

Non-State Schools Accreditation Framework Review

Non-Confidential submissions

1. Alan Corbett, Former Member of the NSW Legislative Council
2. Groves Christian College
3. Brisbane Catholic Education - Archdiocese of Brisbane
4. The Rockhampton Grammar School
5. Queensland Independent Schools Parents Network
6. Christian Schools Australia
7. Independent Schools Queensland
8. Genesis Christian College
9. Associated Christian Schools
10. Catholic Education - Diocese of Cairns
11. Governing body of Redwood College
12. Darlingia Forest School Board
13. Independent Education Union - Queensland and Northern Territory Branch
14. Edmund Education Australia Flexible Schools Ltd
15. Queensland Family and Child Commission
16. Sinai College
17. Queensland Human Rights Commission
18. Queensland Catholic Education Commission
19. Northside Christian College
20. The BUSY School

Dear Ms Vardon,

Thank you for the opportunity to make a submission to this Review

My submission concerns the need for government to legally protect schoolchildren in all schools (especially non-state schools) from being physically 'disciplined' with a cane, paddle or other implement or just smacked with a hand

It is an issue that I have been pursuing since my tenure as a member of the Legislative Council in the NSW Parliament (1995-2003)

Hence my submission refers directly to the Review Principle that, " A quality, safe and supportive educational environment is essential for students to learn and thrive "

It also refers to the need for legislation to " ensure powers held by the Non-State Schools Accreditation Board remain fit for purpose (and) ensure non-state schools are well supported to continue providing high-quality educational experiences for their students " (Media Release: " Cheryl Vardon to lead review of non-starter schools framework ")

The corporal punishment of school children was first raised by me in the Qld Courier Mail in June 2011 I contacted the Editor to say that I had come across some schools that still used it I was interviewed and the article was written I continue to advocate for change and I am well known by successive governments for it

In 2022, 136 countries had totally banned corporal punishment in their schools Australia was not one of them

<https://endcorporalpunishment.org/countdown/>

At present school corporal punishment is still permitted under Section 280 of the Qld Criminal Code

Indeed, Queensland is the only jurisdiction in Australia to have not legally protected all its school children, either by regulation or legislation, from this potentially archaic, harmful and unprofessional practice

Section 280 of 1899, Qld Criminal Code says:

"It is lawful for a parent or a person in the place of a parent, or a schoolteacher or master, to use, by way of correction, discipline, management or control, towards a child or pupil, under the person's care such force as is reasonable under the circumstances "

As you are aware under constitutional arrangements, state and territory education authorities and individual schools are responsible for the administration and operation of schools including the methods of discipline employed

The Qld Government's official position on school corporal punishment is still as stated in its reply to a Question On Notice (No 1216) asked on 22 August 201 by Mr M Bergman MP

I have copied it below for your interest

MR M BERKMAN ASKED MINISTER FOR EDUCATION AND MINISTER FOR INDUSTRIAL RELATIONS (HON G GRACE)

QUESTION:

With reference to the corporal punishment of children in Queensland's non-government schools—

Will the Minister advise (a) if the Minister is aware that Queensland is the only state or territory in Australia that has not outlawed corporal punishment in non-government schools and (b) of any plans to introduce legislation to do so?

ANSWER:

The Palaszczuk Government is committed to ensuring the safety of Queensland school students

In May 1992, the Queensland Government endorsed the abolition of corporal punishment in all Queensland state schools by 1 January 1995 Legislative provisions sanctioning the use of corporal punishment in Queensland state schools were repealed in 1994

Since 1995, the use of corporal punishment has been prohibited in Queensland state schools and this ban is implemented under its Standard of Practice

While non-state schools have responsibility for developing their policies for student discipline, corporal punishment is not practised in Queensland Catholic schools and the Department of Education is **not currently aware** of any schools from the Independent sector in Queensland that use corporal punishment

Currently, there are no plans to introduce legislation relating to corporal punishment in Queensland "

As indicated in the reply to the Question On Notice, corporal punishment while legal, is probably not used in Qld schools However, in the absence of any statistics, this statement of non-use is only an assumption made by the Government and the various Independent School Associations Hence the reason I bold-faced the words " is not currently aware" in the answer above

If corporal punishment is used it will most likely be in a small 'parent-controlled' Christian school as they generally have a ' biblical fundamentalist' world outlook Secrecy would be paramount for it to avoid unwanted media publicity

On 1 August 2019, the then Liberal Government in South Australia was the most recent state to pass legislation that prohibited corporal punishment in all schools

Here is a chronological history of when school corporal punishment was made illegal in all schools by state and territory

NSW (1995)
ACT (1997)
TAS (1999)
VICT (2006)
NT (2015)
WA (2015)
SA (2019)
QLD ????

I trust this list will be useful as you look " at the regulation of non-state schools in other jurisdictions, assess the powers currently in place, consider the balance between imposing standards and minimising any regulatory burden, and make recommendations for improvements " (Media Release: Cheryl Vardon to lead review of non-state schools framework Quote attributable to Minister Grace Grace)

...

I have written to various Education Ministers at both a state and Federal level since 2009 asking for a legal ban Federal Ministers have noted the state's responsibility in any decision-making while emphasising the Commonwealth does not condone its use

The following QLD Ministers of Education have been notified of my concerns but have declined to act

Minister	Term	Premier
Geoff Wilson	2009-2011 (Labor)	Anna Maria Bligh
Cameron Dick	2011-2012 (Labor)	Anna Maria Bligh
John–Paul Langbroek	2012- 2015 (LNP)	Campbell Newman
Kate Jones	2015-2017 (Labor)	Annastacia Palaszczuk
Grace Grace	2017- (Labor)	Annastacia Palaszczuk

What is the position of the Commonwealth on this matter?

As mentioned above, the Australian Government does not support corporal punishment as an approach to student behaviour management in schools. It has also stated in correspondence that it believes that all students should have access to high-quality education that is delivered in a safe, supportive and respectful environment (Correspondence from Peter Garrett AM MP, Minister for School Education, Early Childhood and Youth dated 24 December 2012 and from Senator Evans representing the Minister in his response to a Question On Notice, Number 1096) asked by Senator Bob Brown on the 8 September 2011.)

Indeed, former Shadow Education Minister Tanya Plibersek stated in a letter to me about this issue on 12 July 2019, that, “All students in Australia deserve access to a safe and quality education, and this has always been a core Labor value”

In correspondence dated 1 March 2021, Chris Higgins, the New Zealand Minister for Education, and in relation to my advocacy, commended me on my “commitment to, and concern for, the welfare, safety and protection of children”

He went on to say, “Like you, the New Zealand Government wants all children and young people to be physically and emotionally safe at school. As you have identified corporal punishment in schools was initially abolished in New Zealand with the passing of the Education Act 1989 which states that force shall not be used by way of correction or punishment towards any student or child enrolled or attending schools and Early Childhood Education Services. These provisions are now outlined in the Education and Training Act 2020.”

What has been the response by the government to calls for a ban on corporal punishment in non-state schools?

The response has been to mislead and do nothing. No educational reason or justification has ever been given by successive governments for their failure to protect children.

To date, there seems to be no political will to do so.

Since 2009, Ministers have consistently responded to correspondence from myself and others asking for a ban by stating that the:

“Department of Education has no power over the policies and procedures used in non-state schools, including those relating to disciplinary and behaviour management” or words to that effect. The answer to the QON included above reflects this sentiment.

While the Dept doesn’t have the power, the various responses have neglected the fact that the government could act if it chose to, by amending legislation or by means of regulation. The Dept of Education implements government policy, it does not make it.

In December 1995, over 27 years ago, the NSW Parliament was the first Australian Parliament to introduce legislation to ensure non-state schools did not use corporal punishment.

The Education Reform Amendment (School Discipline) Act 1995 No 93, made it a registration requirement for non-government schools, that any official school policy relating to student discipline, did not permit corporal punishment of students in school.

<https://legislation.nsw.gov.au/view/pdf/asmade/act-1995-93>

This is something the Qld Government could replicate with ease.

Ministers have further stated that if a non-state school permits the use of corporal punishment, the staff member imposing the punishment will not be protected by the Criminal Code if the force used was found by a court to be ‘unreasonable’ in the circumstance.

Unreasonable punishment? That would probably require significant visible harm to have occurred to a child. I am speaking of welts, bruises or cuts verified by a medical practitioner. It would also be left to the parent to prove the force used was ‘unreasonable’ in a court of law.

Any legal action would be too late for the child!

Today, no professional teacher believes in its use nor would they seriously consider it as a method of changing students’ behaviour. However, while legal ‘permission’ remains, tacit approval is given to its continued use by the Queensland Government and there is nothing to stop a non-state school from continuing to use the cane or paddle or re-introduce their use.

One final justification given in correspondence has been to promote the idea that local school communities know what is best for their children and hence should be allowed to dictate the use of corporal punishment if they so desire.

This argument could well be an underlying reason for the government’s lack of action. Certainly, it was put forward to me in correspondence by Premier Campbell Newman.

In a personal letter, dated 25 October 2012, Premier Newman wrote,

“While there remains a couple of schools continuing to use forms of corporal punishment, the Government is strongly committed to the view that the individual school should be responsible for determining its own management policy. Changing the legislation would reduce the autonomy of our schools. We want to ensure there is maximum input from the school communities in determining acceptable behaviour standards, and responses and consequences for misbehaviour. Parents and Principals have the best abilities to dictate behaviour codes and methods in schools.”

However, by the current government’s own admission, non-state schools and parent communities have decided not to use it. School violence, in all its forms has been rejected by parents so why on earth does the government legally sanction its continued use?

Given my ongoing concerns about school corporal punishment and on 13 December 2019, Premier Palaszczuk wrote to me and stated:

“It is understood that, in response to your concerns, the Attorney-General has advised that the issues raised in relation to section 280 of the Criminal Code Act 1899, as it relates to the use of corporal punishment, will be considered as part of the general review of Queensland legislation to consider compatibility with the broader Human Rights Act 2019...”

In correspondence dated 21 Feb 2023, nearly two and a half years later, I was informed by the Premier’s Office that this review was ongoing.

What is the view of the United Nations?

Australia ratified the UN Convention on the Rights of the Child (UNCRC) on December 17, 1990, and the committee responsible for the implementation of the UNCRC has stated that the Convention does not condone the use of corporal punishment in schools.

As the Australian Rights Commission started in correspondence dated 5 July 2019,

“corporal punishment is a children’s rights issue, and the obligation to prohibit all corporal punishment of children is set out under articles 19, 28(2) and 37 of the UN Convention on the Rights of the Child:

Art 19: “(1) States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”

Art 28(2): "States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention"

Art 37: "States Parties shall ensure that: (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age "

Article 28 (2) of the UNCRC, requires governments to take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity

Government inaction sends a negative message about the government's commitment to the UNCRC and its primary theme of always placing the best interests of the child first

.....

Politically, the question could be asked: Will there be any significant resistance to a ban on corporal punishment in non-state schools?

Here are some relevant quotes from a then-2017 ABC journalist for the Hack program, on any likely resistance (Reference below)

" Christian Schools Australia, the peak body for independent Christian Schools, said it was not aware of the practice being used in schools or of any plans to introduce it Any change in the law which would prohibit the introduction of corporal punishment would not be an amendment we think would have any widespread opposition," Executive Officer Mark Spencer said

"Queensland Catholic Education Commission, the peak body for Catholic schools in the state, said Catholic schools in Queensland do not, and have not for many years, employed corporal punishment as a means of discipline Should any current or future Queensland Government want to amend the legislative position with regard to corporal punishment in non-government schools it is unlikely there would be opposition from Catholic School Authorities," Executive Director Dr Lee-Anne Perry said

So the answer to the political question is almost certainly " No"

.....

One also has to be mindful of the emerging evidence of the link between corporal punishment in general and intimate family violence

In early 2020, I commissioned Angelika Poulsen, a PhD student to gather together the very latest evidence on the link between the physical punishment of children and later Intimate Partner Violence (IPV)

She had written an article in 2018, titled "The Role of Corporal Punishment of Children in the Perpetuation of Intimate Partner Violence " Her article is below

https://www.researchgate.net/publication/322800071_The_Role_of_Corporal_Punishment_of_Children_in_the_Perpetuation_of_Intimate_Partner_Violence_in_Australia

Subsequently, Angelika presented all her findings to me in a briefing note, which I then summarised and put into a "letter to the editor" to my local paper, the Bundaberg News Mail

The letter was published and also reproduced in the "Sunshine Coast Daily" and "Queensland Times" newspapers

See two links below If you cannot access my letter because of a paywall, I am sure the Queensland Parliamentary Library can provide a copy

<https://www.news-mail.com.au/news/the-cost-to-society-of-corporal-punishment/4049907/>

<https://www.qt.com.au/news/the-cost-to-society-of-corporal-punishment/4049907/>

Angelika's summation of the literature clearly shows that the violence children suffer at home (and potentially at school) as a result of physical punishment is a factor that should be considered in any response to DFV

This link should not be ignored, as it has been in the past simply because the physical punishment of children is permitted under the Criminal Code

Finally, there is an emphasis placed on Respectful Relationships Education in schools as a means of educating children about gender-based violence

I'm sure you agree that the promotion of respectful relationships does not sit well with the fact that a teacher who may be presenting this material is legally permitted to hit and hurt the children in front of them

The research evidence is becoming crystal clear Corporal punishment is an archaic and detrimental practice that has no educational, psychological or medical grounds to support its use

nlm.nih.gov

In 2023 all Qld school children deserve the best education without the fear of physical punishment being part of any school discipline policy Change is overdue and necessary for the safety of children now and into the future

Recommendation

I recommend that the relevant non-state school legislation be amended, in line with the action taken by NSW in 1995, to ensure that a prohibition on the use of school corporal punishment becomes part of the Accreditation Criteria, thereby ensuring non-state school children are legally protected from assault by a teacher

Yours Sincerely,

Alan Corbett
Former Member of the NSW Legislative Council (1995 - 2003)





References

"The Last Hold-Out Caves: The Slow Death Of Corporal Punishment In Our Schools" New Matilda, Alan Corbett, June 28, 2016

"In 2017 corporal punishment still legal in QLD non-government schools" Triple J Hack, Alice Matthews 28 Feb 2017

From: [REDACTED]
To: [Review, NSSAF](#)
Subject: NSSAB Review Submission
Date: Monday, 24 April 2023 12:25:46 PM
Attachments: [REDACTED]

To the Independent Reviewer,

NSSAF.Review@qed.qld.gov.au.

This submission is about Questions 22-25 within the topics:

- Striking the right regulatory balance
- The importance of powers
- Good governance

Moving forward, the Framework and approach adopted should enable the NSSAB to have a better working arrangement with schools. I have been an independent schooling sector senior leader (deputy principal, principal, executive principal) for over 20 years in Queensland. The working relationship between the NSSAB and independent schools has hardened over that time. The NSSAB does not have a human face as it seems to only be able to communicate through legislation.

I contrast the NSSAB with the QCAA, a key government authority in schooling. The QCAA has excelled in forming strong and effective relational partnerships with schools. School leaders are encouraged to communicate with the CEO and Senior Directors to achieve the best outcomes for our students and staff when issues arise beyond the normal systems of response. Likewise, when schools need correction or improvement, the QCAA acts efficiently in a supportive manner to achieve the required outcomes. No doubt the QCAA has legislative powers to achieve the outcomes, but in my experience, outcomes are achieved through mutual respect and relationships based on trust and the shared value of working in the best interest of the students.

I am interested in participating in the independent reviewer's roundtables.

Thank you,
Allan

Allan Weir
Executive Principal

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5 May 2023

Ms Cheryl Vardon
Non-State Schools Accreditation Framework Review
NSSAF.Review@ged.qld.gov.au

Dear Ms Vardon

Brisbane Catholic Education welcomes the opportunity to provide input into the Non-State Schools Accreditation Framework Review. Brisbane Catholic Education administers 146 schools within the Archdiocese of Brisbane comprising of 107 Primary, 28 secondary and eleven P-12 schools with over 76,000 students and approximately 10,600 staff.

Brisbane Catholic Education understands that the review aims to ensure there is a contemporary Accreditation Framework that will withstand challenges and changes in society and continue to meet community expectations.

1. COMMUNITY EXPECTATIONS OF SCHOOLS

Brisbane Catholic Education supports and understands the importance of maintaining a strong regulatory framework with regards to the operations of Non-State Schools to maintain public confidence in the education being offered by this sector. BCE has implemented systems and processes to ensure compliance with accreditation requirements at both a System and an individual school level. The current regulations are flexible enough to allow Brisbane Catholic Education to develop educational programs with Catholic Characteristics at its heart, which is an important reason why parents choose a school within our System.

Brisbane Catholic Education conducts annual surveys of parents/guardians, students and employees. Information gathered through these surveys provide some input into parents and community expectations and areas for system improvement. The Accreditation Framework ensures consistency of educational processes across Queensland and maintains minimum standards for the operation of Non-State Schools to ensure a quality, safe and supportive environment for students to learn and thrive. Brisbane Catholic Education actively supports this process.

2. PROTECTING STUDENTS, PROMOTING WELLBEING

Brisbane Catholic Education acknowledges that the current Non-State School Regulatory Framework aligns to appropriate legislation relating to the *Work Health and Safety Act 2011*, the *Working with Children (Risk Management and Screening) Act 2000*, the *Education (General Provisions) Act 2006*, the *Education (Queensland College of Teachers) Act 2005* and the *Child Protection Act 1999*, thereby setting a strong baseline for protecting students. Brisbane Catholic Education expects that the Accreditation Framework will reference other relevant legislation as it becomes active, specifically, *Work Health and Safety (Psychosocial Risks) Amendment Regulation 2022* and outcome of the Human Rights Commission review of the *Anti-Discrimination Act 1991*.

With the Framework reflecting current legislation, it is anticipated that as future legislation is developed, this would be considered for inclusion in the framework. Brisbane Catholic Education would therefore consider that the current Framework aligns to community expectations for Non-State Schools and that child safety and protection form a fundamental building block of the current Framework.

3. SETTING THE STANDARDS OF EDUCATION – EXPECTATIONS OF SCHOOLS

Brisbane Catholic Education has confidence that the Accreditation Framework supports a quality educational standard of Non-State Schools in Queensland. We believe that the quality of a Non-State School education

should be equal to an education received within a State School. The Framework currently requires Non-State Schools to deliver approved curriculum requirements articulated by ACARA (Australian Curriculum), and the Queensland Curriculum and Assessment Authority (Senior Curriculum). The opportunity also for schools to deliver a suite of certificate qualifications as a Registered Training Organisations optimises learning pathways for our students and mirrors expectations of our communities. As such, the current Framework encourages consistency and a clear alignment between the Non-State School System to the State School System.

As a Framework that intends to support contemporary schooling, Brisbane Catholic Education would recommend that the standards reflect the changing learning landscape to ensure that students are engaged in their learning and that this intersects with parent expectations. Covid has proven the adaptability, and flexibility of curriculum delivery and the capacity of the Non-State Schooling sector to respond to this need. In addition, Brisbane Catholic Education is exploring contemporary hybrid models (including but not limited to: online, offsite and industry partnerships) of learning to meet the legislative requirements and needs of our learners.

4. ACCREDITING NON-STATE SCHOOLS – EXPECTATIONS AND IMPROVEMENTS

Brisbane Catholic Education supports the requirement for having a comprehensive Accreditation Framework for ensuring Non-State Schools' offerings are in alignment with community expectations and Regulatory Requirements. Brisbane Catholic Education believes that the current Regulations offer such a Framework.

5. MAINTAINING STANDARDS THROUGH MONITORING AND COMPLIANCE

Brisbane Catholic Education believes that the current system works well in monitoring of Non-State Schools compliance with the *Education (Accreditation of Non-State Schools) Act 2017* and *Education (Accreditation of Non-State Schools) Regulation 2017*. We have appreciated the feedback from NSSAB when enquires are made. However, BCE would support ways to develop greater clarity of meaning of the standards and consistency of implementation of the standards across the Non-State Schooling sector.

6. STRIKING THE RIGHT REGULATORY BALANCE

Brisbane Catholic Education believes that the current processes are operating effectively in maintaining appropriate standards. Whilst the Accreditation Framework assists in ensuring that schools meet community expectations, it is appreciated that NSSAB respond to amended or new legislation as they occur. This provides a level of confidence to our organisation and our 146 schools.

7. THE IMPORTANCE OF POWERS

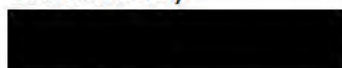
Brisbane Catholic Education is of the opinion that the NSSAB's powers are sufficient in supporting high standards of education. In regard to the function of the Board and achieving a deeper consistent understanding of the standards, further clarity through communications and workshops between all stakeholders may be beneficial. It is acknowledged that whilst being flexible in adapting to community standards is important in response to diversity, maintaining confidence in the high standards of NSSAB is paramount.

8. GOOD GOVERNANCE

Brisbane Catholic Education is of the opinion that the Board powers are sufficient for its effective operation and that the Accreditation Framework supports quality schooling. With the educational landscape of engaging learners in a contemporary way shifting, we would encourage the Board to keep abreast of current pedagogy and ensure standards support the changing societal and educational needs.

In regard to structures and workflow of NSSAB, we are of the opinion that our school wider communities would generally have little understanding of the governance and regulatory position of the Board. Although, a perception that the Board monitors and oversees Non-State Schools issues or complaints is valid.

Yours sincerely



Karen Harrison
Strategy and Performance Executive Catholic Education
Archdiocese of Brisbane

Cc: QCEC



The Rockhampton Grammar School

Established 1881

Queensland Non-State Schools Accreditation Framework Review: The Rockhampton Grammar School

Introduction

The Rockhampton Grammar School (RGS) is an independent co-educational non-selective School educating over 1,600 students from Early Learning through to Year 12. The School's core mission and purpose, since its founding in 1881, is to provide high quality educational opportunities to students in Central Queensland. RGS is Queensland's largest boarding school, with more than 330 boarding students also calling the School home.

Despite the many challenges for schools over the past decade, RGS has achieved outstanding student outcomes. These are across all facets of school life including academic achievement, vocational education, student wellbeing, co-curricular programmes and service to the community. In fact, the School's academic outcomes for Year 12 students and NAPLAN are well above national and state averages across all year levels with all students achieving at or above the National Minimum Standards.

These consistent student outcomes place RGS amongst the top performing schools in Queensland. The School is proud of these outcomes and the opportunities which are provided to students to achieve excellent academic outcomes in an era where educational attainment for regional and rural students significantly lag behind their metropolitan counterparts.

RGS will continue its commitment into the future to provide the best possible educational opportunities to our diverse cohort of students.

This submission responds to the invitation from Cheryl Vardon to contribute to the collaborative conversation that is at the heart of the Queensland Non-State Schools Accreditation Review. Rather than making a comment across all aspects of the framework, this paper focuses on areas from the perspective of The Rockhampton Grammar School that could be strengthened to enhance the non-state schooling sector through the application of the Accreditation Framework. These areas are grouped under four headings:

- Expectations of Schools – Mandating the Curriculum and Student Welfare
- Accrediting Non-State Schools – Assessors and Standards for Boarding
- Maintaining Standards Through Monitoring and Compliance – State Schools, Delegating the Board's Functions, Dealing with Complaints
- Governance – Professional Development for Board Members

The School views the review of accreditation arrangements as timely, important and evidence of good regulatory practice. RGS has appreciated the significance of the processes enacted by the NSSAB and have welcomed both feedback and critical oversight on behalf of the assessors (external validators) as a part of both review cycles and changes of attributes. The School believes that whilst some improvement in processes and structure are worthy of consideration and that change is necessary, the essential components of the Queensland accreditation arrangements continue to achieve the objectives of the Accreditation Act.

It should also be noted that RGS, as a Grammar School, is subject to significant State Government regulation as a statutory authority. This is not recognised in the current NSSAB arrangements.

Expectations of Schools

Mandating the Curriculum

A significant change in the accreditation system from 2018 related to the mandating of the curricula to be used by non-state schools in order to be compliant with the education programme accreditation standard. This represented a major change in the regulatory approach, with the previous provisions being that schools have an educational programme that had regard to the ages, abilities and aptitudes and development of the School's students. Under the new arrangements, the Australian Curriculum was mandated for P – 10 and QCAA recognised curriculum for Years 11 and 12.

It should be noted that the use of the Australian Curriculum was also mandated under the Australian Education Act, so it could be argued that the Queensland regulations simply reflected Federal requirements.

However, the mandating of the curricula at the Year 10 level has proven to be problematic across the three sectors of schooling in Queensland. Some schools choose to commence Year 11 and 12 courses in Year 10 or change the nature of the subject content delivered to better prepare students for senior studies. This is not the case at RGS at the moment, but it has caused some issues with students who transfer into the School in Year 11 who have already commenced their Senior Studies in other schools (State, Catholic and Independent). The Rockhampton Grammar School would advocate for some consideration and flexibility in this space, including to allow students to commence school-based apprenticeships and vocational educational pathways in Year 10. Please note, the School does not support the commencement of General QCAA subjects in Year 10 as part of the consideration of more flexibility at this Year level.

Student Welfare and Promoting Wellbeing

Since the Accreditation Act's inception in 2002, there has been a growing emphasis on child protection due to high-profile cases of child abuse at schools and the Royal Commission's findings. Community expectations have also changed during this period. RGS views these changes as important and fully supports the focus of the NSSAB on child protection.

The accreditation criteria related to student welfare processes, while not comprehensive under the Accreditation Regulation, binds non-state schools to other legislation provisions. As a result, schools must adhere to the Working with Children (Risk Management and Screening) Act, the Education (General Provisions) Act (which covers reporting sexual abuse), and certain sections

of the Child Protection Act. While setting accreditation standards by referring to other legislation is appropriate, frequent amendments to the Working With Children and Child Protection Acts have led to confusion amongst some schools.

Schools must also comply with the Work Health and Safety Act under the student welfare processes accreditation standard. The accreditation standards for school resources also make references to other legislation, requiring compliance with the Education (Queensland College of Teachers) Act. Schools must also have and follow written processes that comply with the Anti-Discrimination Act and the Commonwealth Disability Discrimination Act concerning students with disabilities.

The Rockhampton Grammar School was the first school in Queensland to become an accredited Safeguarding Children School through the Australian Childhood Foundation. This accreditation involved auditing of both written policies and procedures relating to child protection as well as their implementation. In gaining this accreditation it is apparent that language use is different in different States in Australia, although they all carry the same meaning. Consideration in the assessment of this standard could provide a little more flexibility in language choice, taking this situation into account. To be clear, the School is fully supportive of a rigorous and informed inspection of child protection practices, but where there is no legal or contravention of legislation, language choice could be more flexible.

It would also benefit schools if legislation at both the Commonwealth and State levels in respect of child safety could be consolidated. At the current time, there is a danger for schools in terms of multiple sources of child protection regulation. The focus of schools should be on implementing best practices in child protection rather than understanding and interpreting the requirements of different legislation and agencies.

The promotion of wellbeing in schools is becoming a particular focus of community, school governance and leadership groups. RGS suggests that embedding the fostering of positive wellbeing is a current gap in the framework, which could be explicitly included in a renovated framework. As a part of this consideration the School would also advocate for the evidence of such practices to include “voices” from students, staff and school community in the framework. This is a gap in the framework and it would benefit from explicit inclusion.

Accrediting Non-State Schools

Assessors

The Act established a system of assessors (termed external validators in the review processes) who are authorised to undertake peer assessments of schools in relation to establishment and compliance with the accreditation criteria. The NSSAB has mostly used retired non-State school Principals and Business Managers as their assessors (providing they are not associated with an individual non-state school).

The powers of assessors under the Act have been expanded from time-to-time to incorporate any new functions or activities of the Board. The Board relies heavily on the work of assessors who are seen to be independent (for example, as opposed to assessments being undertaken by Departmental Officers). The Rockhampton Grammar School strongly supports continuing the peer assessment model to establish compliance with the accreditation criteria.

However, the assessor system could be improved by a more structured approach to the establishment and oversight of a set of appropriately skilled and trained assessors. This would support the principles of good regulation in terms of the exercise of bureaucratic discretion. Apart from each assessor having different skills and perspectives, it would appear that a lack of consistency is one of the challenges of the accreditation system. One assessor may have a view that a school is compliant in a particular matter, however, another assessor may have a different opinion. This can result in a level of uncertainty for schools as well as fostering an unacceptable level of suspicion in the overall accreditation process.

The Rockhampton Grammar School advocates for an appropriate skilled and trained assessor set. An example of a successful and similar model is what has been implemented by QCAA in the transition to the new SATE system, where teachers involved in various tasks such as confirmation and endorsement had to complete specified on-line modules and tasks at a set standard. Additionally, to provide for a more robust quality control process, the School suggests the use of two assessors per review process to allow for discussion amongst the assessors and the provision of multiple perspectives on school reviews. There may be a need for consideration of an exemption from a two-assessor approach for some rural schools in recognition of the difficulty of accessing suitability qualified persons in rural areas.

It would also be helpful for schools prior to their review to complete an information session provided by NSSAB which clearly articulates the process and expectations. Such a session could be undertaken on-line to ensure that regional and rural schools are properly accommodated.

Standards for Boarding

Boarding is a legislated attribute of accreditation, and therefore the question as to whether there should be legislated criteria for this area is worthy of consideration. While some may argue that the prescribing of standards for boarding should be approached with caution to avoid regulation creep, given the importance of child safety and risk involved in boarding activities, RGS considers the inclusion of a section on boarding in the accreditation process would support further community confidence in this important element of non-state schooling.

Whilst the original Act did not consider it necessary to prescribe boarding standards, indicating that boarding was not an activity requiring direct regulation, and there is no evidence of systemic issues in boarding provision, community standards and expectations have changed overtime. Boarding schools could benefit from clear minimum standards providing a level of certainty about NSSAB expectations.

As boarding is highly competitive in the non-state sector, standards are principally driven by parents paying substantial boarding fees. It should also be noted that funding is not provided for boarding by the Government and legislated boarding standards would increase the regulatory burden on boarding as compared to day schools.

If any standards are to be developed for boarding, these factors should be considered. Further, any standards should be developed only after significant input from boarding schools. The Australian Boarding Schools Association have published recognised standards for boarding, which could form the basis of accreditation criteria or alternatively, NSSAB could require schools to comply with.

Maintaining Standards Through Monitoring and Compliance

State Schools

A regulatory system that includes state and non-state schools has previously been considered by past Governments. Such a system operates in Victoria whereby registration is provided to both state and non-state schools through the relevant statutory authority. Whilst this may have some attraction from a political and community perspective, it ignores the fact that state and non-state schools are very different both in terms of their governance and their operations.

There would be no value for the non-state sector to be amalgamated with state schools for the purposes of accreditation. Any combined regulatory regime would likely be dominated by the needs of state schools and would present a significant threat in terms of the “one size-fits-all” standards generally applying to state schools being extended to the non-state sectors negating the current regulatory arrangements which have the objective to enable diversity and autonomy in the sector. It would also likely create unintended consequences in terms of competition and growth between sectors.

Delegating the Board’s Functions

Before delegating the functions of the Board to sectors, systems, or groups of schools, careful consideration should be given to the potential implications. While such delegation may be practiced in other states, it may not be appropriate for NSSAB. Although Catholic and some independent systems may have the necessary resources and authority to act as regulators for their schools, there would be significant conflicts of interest and a lack of independence in regulation.

Moreover, stand-alone independent schools would be potentially disadvantaged if they remained in the direct regulatory regime of NSSAB, compared to other schools under the delegated responsibility of systems.

Dealing with Complaints

Regulatory regimes have a tendency to extend beyond their initial scope, a phenomenon known as regulatory creep. NSSAB's handling of complaints could be considered an example of this. Although the Act does not provide for complaints about schools, it has become a central function of NSSAB.

Several factors have contributed to the increase in complaints, including greater consumerism, more informed parents, and increased expectations regarding student rights. Additionally, political pressure and the spread of information via social media have led to increased attention on school issues. While there are other mechanisms available for resolving complaints, NSSAB has developed its role in the absence of any legislative basis for doing so. Other pathways could include common law, the Ombudsman and the Crime and Corruption Commission.

To improve the process, NSSAB could establish a sub-group to handle complaints and focus on resolving the issue at the lowest possible level, rather than its connection to accreditation criteria and the overarching NSSAB. Only cases where the school is found to be non-compliant with accreditation criteria would then be escalated to the Board for further action. It should be noted

that the School's view on this area is not informed by a first hand experience of the NSSAB dealing with a complaint at RGS.

Governance

Professional Development for Board Members

The NSSAB have previously considered mandating professional development for members of school boards, given their recognition of the importance of school governance and legislated requirements. However, the value of such a mandate is questionable without specific reference to the nature and relevance of the professional development undertaken.

In New South Wales, members of school boards are required to undertake a set amount of professional development annually. Instead of imposing specific requirements, it may be practical for the framework to prescribe a standard that requires a planned approach for school board members to undertake professional development based on their needs, skills, and experience as individuals or as a Board. This approach would require Boards to ensure that the professional development undertaken is relevant to the school and adds value to their governance role.

Additionally, the NSSAB may like to consider the skills matrix required in the constitution of a school board as a part of the review process. Whilst this is provided as a part of the RGS Review Programme, it is unknown if this is common practice, and could strengthen the membership and effectiveness of independent school boards.

Final Thoughts

The current regulations for non-state schools in Queensland, many of which have been implemented since 2002, have generally been successful in ensuring that schools comply with minimum standards in five key areas. Although the original regulatory approach relied heavily on self-regulation, over time some standards have become more prescriptive, and from the perspective of The Rockhampton Grammar School this has been appropriate.

The current review will consider a range of issues, but any proposals for changes should be assessed to ensure they align with the objectives of the Accreditation Act. RGS considers that these objectives are still appropriate. Currently, the objectives of the Act are being achieved, as evidenced by the increasing public confidence in non-state schools, high standards of education, and diversity of schools offering choice. Therefore, major changes to the current regulatory arrangements may not be necessary, and efforts should focus on strengthening sections such as those suggested in this paper and streamlining administrative processes.

From the School's perspective it would urge caution via regulatory creep and the unnecessary intervention of government in the operation of non-state schools. The current regulatory means are sufficient to take action on schools where necessary, and individual school issues should not be used to extend greater regulation to the entire sector. Indeed, the School would urge caution in response to the temptation to adopt a more "command and control" approach as is present in other jurisdictions, as this would likely result not only in greater bureaucracy, costs and red tape but a potential stifling of innovation and a reduction in diversity.

Any changes to the accreditation arrangements should be evidence-based; the evidence currently suggests the non-state sector is operating successfully and whilst improvements can always be attained in the regulatory system, wholesale change could not be justified.

The accreditation arrangements have provided RGS with opportunities for learning, reflection and improvement, and has been an important part in the growth and success of the School. Whilst regular review is important, there is currently no strong evidence of the need for major change. The essential components of the Queensland accreditation arrangements continue to serve the School well and achieve the objectives of the Accreditation Act.

10 May 2023

Submission to: Cheryl Vardon, Independent Reviewer for the Queensland Non-State Schools Accreditation Framework Review.

About Queensland Independent Schools Parents Network

The Queensland Independent Schools Parents Network (QIS Parents Network) is the peak body representing the families of the more than 141,000 students enrolled in Queensland's 232 independent schools.

We are regularly consulted by government and other education stakeholders on policy matters that affect the parents and carers of independent school children.

We are also a strong advocate for positive and respectful learning partnerships between schools, parents and children – a burgeoning area of research known as 'parent engagement' and we fund ongoing research in this area. [Read more](#) about our parent engagement research.

The QIS Parents Network is governed by a Board of Directors and our Executive Officer is supported by a Consultative Committee of parents from small and large independent schools across Queensland, which helps ensure our views are reflective of the diverse independent school sector.

About the Queensland independent school sector

Independent schools form a key part of the education landscape in Australia and sit alongside government and Catholic schools in contributing to society.

While independent schools are sometimes colloquially referred to as 'private schools', in reality independent schools are not-for-profit educational institutions and are as diverse as the communities they serve.

Queensland independent schools range from small community schools and special assistance schools through to large P-12 colleges and boarding schools and have varying educational philosophies.

Independent schools are a valued education choice for an increasing number of Queensland families, educating 16.2 percent of all school-age children in 2022 (up from 15.7% in 2021, according to the ABS 2022 Non-Government School Census (Commonwealth)).

Key points of our submission

- QIS Parents Network welcomes this review and sees it as a timely opportunity to address deficits in the way the Non-State Schools Accreditation Framework is sometimes implemented.
- The independent sector in Queensland is growing; an increasing number of parents are choosing an independent education for their child. Small independent schools and special assistance schools are in high demand.
- Parents support a regulatory system overseeing the non-state school system to ensure children are safe and educated well, but parents want to know that the review process is fair and balanced.
- Parents don't want an accreditation system that takes away their school's ability to be itself. Parents value choice and diversity in schooling and want the independent school they have chosen to be able to deliver the Australian curriculum through their unique philosophical and pedagogical lens.
- It also should be acknowledged that independent schools are already held to a high standard by their parent body – parents vote with their feet when it comes to standards of safety and learning. In most cases, parents value the opportunity to raise concerns with their school leadership (and governing body if necessary), rather than an unknown external body or 'system'.
- Parents don't support a regulatory system that results in excessive school funds – and school staff time – being spent on legal stoushes with the regulator or answering allegations that don't have merit. Parents want the school fees they pay – and any government funding the school receives – to be spent on delivering education and wellbeing outcomes for students.
- Parents are concerned by anecdotal reports of great stress experienced by school leadership staff and teaching staff who are caught up in long running and pedantic accreditation reviews, especially in the current climate of teacher workforce shortages.
- The accreditation system and officers who carry out the accreditation work need to make decisions in the context of understanding an independent school's 'essence' or 'heartbeat'. Parents often choose an independent school for the social and emotional outcomes it offers, as well as the education program delivered.
- Adding parent and student voice to accreditation reviews would provide a richer view of a school, its outcomes and achievements, and what it is delivering to the community it serves.

Views of individual parents & carers

During Ms Vardon's consultation with an independent school parent panel and QIS Parents Network on Friday 5 May, individual parents made the following additional points:

- Every Independent school is unique, so any accreditation review should take into account the school's philosophy and why parents have chosen that school. Not everything a school does and provides for its students and families can be quantified. Currently that is not what seems to happen.
- While the initial accreditation before an independent school is launched rightly requires close analysis, there should be some give and take during ongoing accreditation reviews with established schools. Listening to schools and approaching any issues that need to be addressed in a staged way makes sense (e.g., immediate things to be addressed / short-term / long-term). Communication and collaboration should be guiding principles and the process should be more 'human'.
- Independent accreditation that is transparent and accountable is necessary, but it shouldn't result in educators being taken away from daily activities.
- Small schools have limited resources. If a small school has to engage lawyers to help them deal with complex requests from the accreditation reviewer, it can lead to huge costs. Can some financial support be provided to smaller schools to offset costs involved in accreditation reviews? Funding for a 'compliance officer' for independent schools was one suggestion made by a parent at a small school.
- One parent, whose children attend a school delivering the **International Baccalaureate® (IB)** program spoke of her school having to be reviewed by that system, as well as NSSAB, resulting in a "doubling up" of resourcing and submissions.
- Parents keep their independent school accountable in their own way. "If we didn't agree with the school's mottos and values we wouldn't be there."
- Parents attested to the fact their child was flourishing at their chosen independent school and they respected the school leadership.
- All parents spoke of the fact they really valued being able to choose an independent education that was the best fit for their child and family.

Thank you

QIS Parents Network appreciates the opportunity to contribute to this review.



Independent Review -

Queensland Non-State Schools Accreditation Framework

Submission by Christian Schools Australia (CSA)

For further discussion regarding this submission please contact:

Mr. [REDACTED] Spencer
Director of Public Policy
08 9441 1234

Summary of Recommendations

RECOMMENDATION ONE: The reviewer call on the Queensland Government amend the *Human Rights Act 2019* (QLD) to include a right equivalent to Article 18(4) of the ICCPR.

RECOMMENDATION TWO: The reviewer call on the Queensland Government introduce a scheme for the monitoring and oversight of ‘reportable conduct’ allegations as recommended by the Royal Commission.

RECOMMENDATION THREE: the following be inserted as section 3(1)(a) of the Act –

- (a) to recognise that the education of a child is primarily the responsibility of the child’s parents,

RECOMMENDATION FOUR: the current object expressed in section 3(1)(c) of the Act should be replaced with –

to support the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions and foster educational choices in the State.

RECOMMENDATION FIVE: further consultation with school groups be undertaken if any additional regulatory requirements are proposed to allow the opportunity to respond to any purported shortcomings in the current regime.

RECOMMENDATION SIX: other overlapping supervisory arrangements be considered with a view to reducing the accreditation criteria.

RECOMMENDATION SEVEN: the Act be amended to recognise that the objects may be legitimately achieved through parents exercising their choice of school by including as section 3(2)(a) –

parents freely exercising a choice of school; and

RECOMMENDATION EIGHT: the Act be amended to require that regulations to prescribe or amend accreditation criteria can only be made if the Minister is satisfied that:

- appropriate consultation has been undertaken with:
 - the non-government school sector (such as through entities that represent parts of the sector); and
 - entities, including schools, having expertise in fields relevant to the proposed accreditation criteria; and
 - entities, including schools, likely to be affected by the proposed regulation.
- relevant input received as part of that consultation has been taken into account adequately.

RECOMMENDATION NINE: a formal approach to regulatory activity, compliance and enforcement and dealing with complaints be incorporated into the Accreditation Framework along the lines of those used by the ACNC.

RECOMMENDATION TEN: the activities of the Board be reviewed against the Government’s Public Interest Map Policy to ascertain if all existing functions are necessary and should be undertaken in the current manner.

Introduction

Christian Schools Australia (CSA) is a national body that supports and represents schools for whom religious formation within a ‘community of faith’ is an integral part of the education process.

CSA serves schools in more than 180 locations, supporting some 11,000 staff and more than 75,000 students across Australia. Within Queensland, CSA has 20 member schools which educate over 13,000 students.

Member schools of CSA operate as independent, locally governed, religious organisations. Some are closely aligned with one or more Christian churches in their communities, while others have their heritage in a group of parents coming together to start a school. In all these schools religious formation is part of the aim of a holistic education in service of ‘the common good’¹

“In all of these schools religious formation is part of the aim of a holistic education in service of ‘the common good’.”

The inclusion of the religious (or spiritual) formation of students as an integral aspect of education is very much in line with the goals of the Alice Springs (Mparntwe) Education Declaration.² All jurisdictions across Australia, including Queensland, are signatories to the Declaration which asserts, in its Preamble:

“Education plays a vital role in promoting the intellectual, physical, social, emotional, moral, spiritual and aesthetic development and wellbeing of young Australians, and in ensuring the nation’s ongoing economic prosperity and social cohesion.”

We agree strongly that the education of the whole child is not complete unless it includes spiritual, moral, emotional and aesthetic development alongside the more commonly stated domains of intellectual, physical and social. We agree that social cohesion is served well by such a view of education.

The Mparntwe Declaration is also important for its recognition of the role of parents.

“Parents, carers and families are the first and most important educational influence in a child’s life. They have a critical role in early development, including social, emotional, intellectual, spiritual and physical wellbeing. They instil attitudes and values that support young people to access and participate in education and training, and contribute to local and global communities. It is critical for the education community to work in partnership with parents, carers and families to support a child’s progress through early learning and school.”

In the schools represented by this submission, and indeed in Queensland faith-based schools of many kinds, the ideals of the Mparntwe Declaration are realised, embodied and celebrated.

¹ The recent Cardus Education Survey Australia (<https://carduseducationsurvey.com.au/>) provides extensive data on the holistic education provided by Christian schools in Australia, their impact on graduates through their lives, and the contribution to the ‘common good’ of these graduates.

² Council of Australian Governments. Education Council (2019). *Alice Springs (Mparntwe) education declaration*.

On behalf of the parents who choose such a faith-based education, and the church and faith communities that deliver it, schools represented in this submission are overt and particular about the beliefs and values that underpin curriculum, culture and practice, including employment practices.

Preliminary Comments

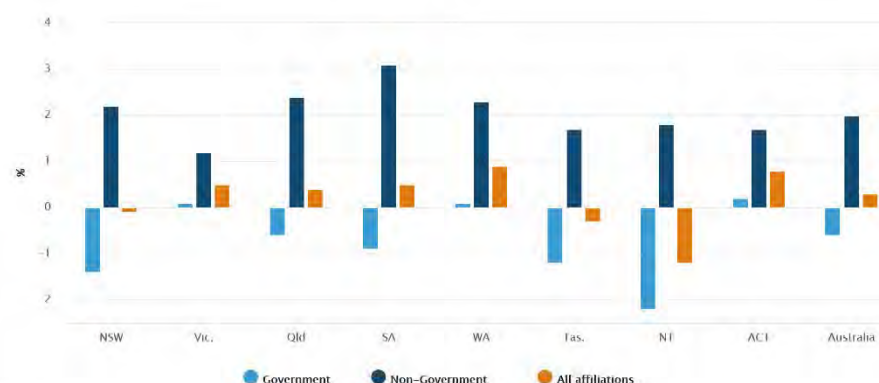
The Submission Guide indicates that the Review will be guided by four principles, we support these principles but also note:

- The first principle talks of ‘students and their families are at the centre of the Review’. We trust that implicit in this statement is the recognition of the role of parents as the ‘first and most important educational influence in a child’s life’. This is captured within the Mparntwe Declaration as mentioned above and provides an important foundation for consideration of the role of schools, and thus the accreditation and regulation of schools.
- That the choice of schools for families is not merely an ‘important part of the Queensland education system’. The ‘liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions’ is a fundamental human right protected under international law to which Australia is a party.³ Appropriate weight should be given to this right in the Review’s consideration of options and alternatives.

The Guide also identifies some ‘challenges and change’ since the *Education (Accreditation of Non-State Schools) Act 2017 (QLD)* (the Act) commenced in 2017:

- The COVID-19 global pandemic was certainly the impetus for considerable change in educational delivery and reassessment of the important elements of a quality education. Overwhelmingly though, this event highlighted the quality and responsiveness of Christian schools and non-government schools more generally. Parents and families across Christian schools have reported increased confidence in their school, and many schools experienced increased enrolments.
- Not only have enrolments in distance and special assistance schools grown significantly, the non-government sector, and particularly the independent sector, has grown at nearly double and more than triple respectively the rate of growth of the government school sector over that time. The most recent growth from 2021 -2022 is reflective of that trend –

Graph 2 – Annual growth rates in student enrolments by state and territory, affiliation, 2021 to 2022



Source: Australian Bureau of Statistics, Schools 2022

³ Article 18(4), *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, UNTS171 (entered into force 23 March 1976) ('the ICCPR').

These events point to the quality and resilience of non-government education in Queensland, and suggest that little, if any, additional supervisory requirements are necessary. Certainly, the increased enrolments in non-government schools suggests that ‘public confidence in the operation of non-State schools’, one of the objects of the Act, is well and truly being met.⁴

The Guide also refers to the passage of the *Human Rights Act 2019* (QLD) (‘the Human Rights Act’), including the right to education therein, section 36. However, as we have indicated in other submissions to other inquiries, the protections for ‘freedom of thought, conscience, religion and belief’ in section 20 are grossly deficient, in a way directly impinging on many non-government schools. As referred to above, Article 18(4) of the ICCPR requires that signatory states, such as Australia, respect ‘the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions’. An equivalent provision has not been included in the Human Rights Act.

While recognising that this recommendation falls outside the direct scope of the Terms of Reference, we are **calling on the Review to recommend that the Queensland Government amend the *Human Rights Act 2019* (QLD) to include a right equivalent to Article 18(4) of the ICCPR.**

Community expectations of schools

The phrase ‘community expectations’, or ‘community benchmarks’ as used in the Submission Guide, or ‘community standards’/ ‘community and stakeholder expectations’ as used in the Terms of Reference are dangerous and unhelpful terms which have no place within a regulatory framework. These ill-defined and nebulous terms provide insufficient clarity and certainty for a framework seeking to assess the suitability of an educational provider.

Fundamental human rights, such as ‘the liberty of parents ... to ensure the religious and moral education of their children in conformity with their own convictions’ are inalienable and cannot be extinguished simply for becoming unpopular. Reliance upon ‘community expectations’ as regulatory standard risks institutionalising ‘mob rule’.

Within our Westminster system, Parliament is the appropriate forum for determining and codifying ‘community standards’. These should be expressed in acts and regulations, subject to Parliamentary scrutiny, oversight and accountability. It should not be the role of an independent statutory body, such as the Non-State Schools Accreditation Board (‘the Board’) to take on the function as the arbiter of ‘community expectations’.

For non-government schools, enrolments are a very real, very tangible, and very immediate form of accountability. Parents vote with their feet, and their wallets, as to whether a school is providing a quality education. This provides very direct feedback to non-government schools of whether they are meeting ‘community expectations’. In fact, it may be better to characterise the role of the Board as ensuring that ‘minimum standards’ are met, a common baseline of requirements that must be met to operate a school. Beyond these minimum standards a more effective means of meeting ‘community expectations’ is arguably provided through enrolments and direct parental feedback.

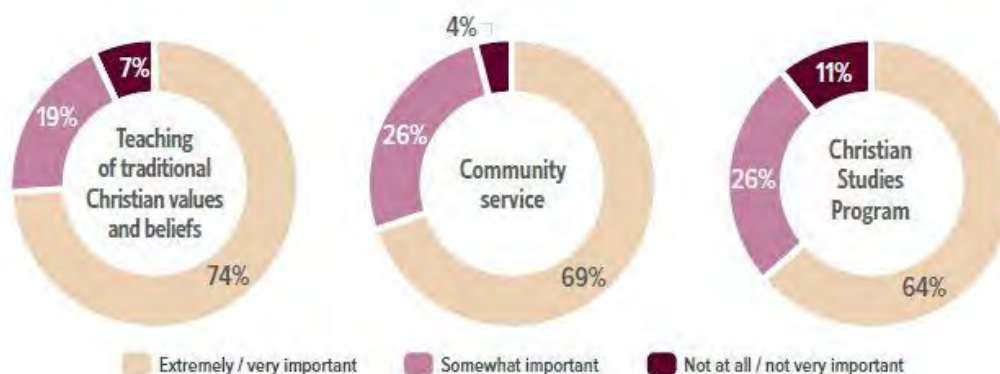
In soon to be published research among Christian school parents, there was a very clear ‘community expectation’ that Christian schools would reflect Christian values and beliefs.⁵ The *Christian Schools Community Profile Survey* is the largest survey of its kind ever undertaken in Australia and explored the

⁴ *Education (Accreditation of Non-State Schools) Act 2017* (QLD) (the Act), section 3(1)(b).

⁵ Iselin, D. (2023). *Why Parents Choose Christian Schools: Christian Schools Community Profile Survey, National Report Summary*. Canberra, Australia: Christian Schools Australia

responses of 8,595 parents from 101 Christian School Australia member schools across the nation, 1,499 of those parents within Queensland.

The dominant reason why parents are choosing Christian schools was for the distinctly Christian values and teaching, with 54% of parents selecting ‘values that align with my own’ as the primary determinant. When asked what practices should be most important at a Christian school, 74% of parents indicated teaching of traditional Christian values and beliefs was extremely, or very important.



The importance of community service (69%) and the demonstration and application of Christian values and beliefs was also highly regarded by parents.

The most important value-added outcome that families hoped children would achieve through attending a Christian school was strong character and Christian values (45%). This was followed by a desire to see graduates have a love for God and others (28%).



The results of this survey provide a very clear indication of the ‘community expectations’ of those involved as parents with Christian schools. These are the members of the Queensland community most involved with those schools, with most at stake in relation to those schools, and most able to provide effective accountability for those schools.

This direct and effective accountability is also formally captured by requirements under the Commonwealth’s regulatory regime. The *Australian Education Act 2013* (Cth) requires schools to provide ‘information in accordance with the regulations’,⁶ with the regulations requiring schools to

⁶ *Australian Education Act 2013* (Cth), section 77(2)(f).

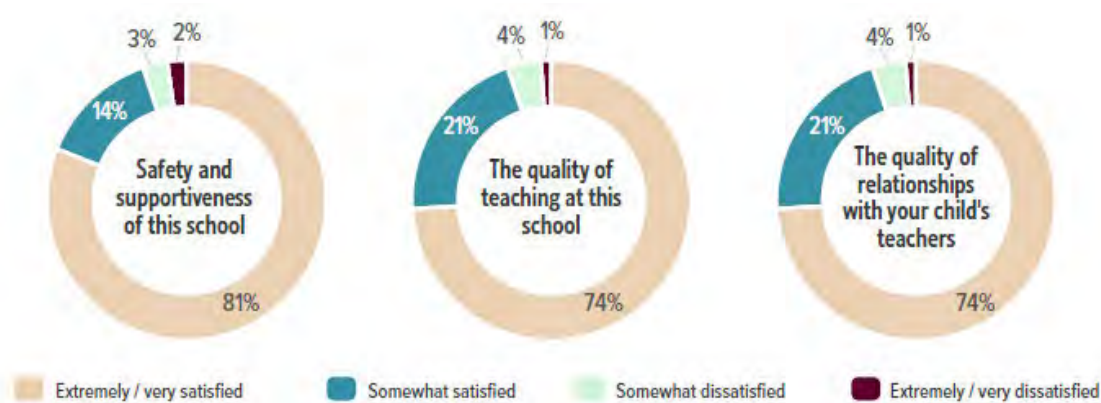
publish within six months of each year end information on ‘parent, student and teacher satisfaction with the school’.⁷

Protecting students, promoting wellbeing

The Bible teaches, profoundly given its historical and cultural context, of the inherent dignity and worth of all people. The Apostle Paul, writing to believers in Galatia, proclaimed that *‘There is neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus’*,⁸ a revolutionary statement for the society in its day. The recognition of the unique nature of all humankind as image bearers of God, Imago Dei, provides the very foundation for contemporary Western culture and the freedoms we enjoy.

That foundation forms the basis for the revulsion towards vilification, harassment, racism or victimization held by the schools represented in this submission. This finds expression in the school context in strong anti-bullying policies and procedures and a deep commitment to high quality pastoral care – for all students. Christian schools have long prided themselves on providing effective student, and often family, wellbeing. These measures all flow from, and reflect, the Biblical beliefs and values of Christian schools, and provide a unique approach to student wellbeing.

The effectiveness of these measures is reflected in the results of the *Christian Schools Community Profile Survey*.⁹ Families are overwhelmingly very satisfied with the ‘Safety and supportiveness’ of their Christian school, with the ‘quality of teaching’ and the ‘quality of relationships between teachers and students’.



Once again, this provides very clear and direct feedback on the efficacy of these measures, and significant assurance to the wider community of the care being demonstrated within Christian schools.

From the early days of the Royal Commission into Institutional Responses to Child Sexual Abuse (‘Royal Commission’), CSA has consistently advocated for a strong, nationally harmonised child protection framework.¹⁰ This has included advocating for a system of monitoring responses to allegations of ‘reportable conduct’, which Queensland has yet to implement. While, once again, outside the scope of

⁷ Australian Education Regulation 2013 (Cth), section 60(1)(f).

⁸ Galatians 3:28.

⁹ Above n 5.

¹⁰ See, eg. Submission in response to *Consultation Paper - Best practice principles in responding to complaints of child sexual abuse in institutional contexts*, 6 April 2016, <<https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Consultation%20Paper%20-%20Complaint%20handling%20-%20Submission%20-%202012%20Christian%20Schools%20Australia%20Limited.pdf>>

the Terms of Reference for the Review, **we are calling on the Review to recommend that the Queensland Government introduce a scheme for the monitoring and oversight of ‘reportable conduct’ allegations as recommended by the Royal Commission.**

Setting the standards of education – Expectations of schools

As indicated above, ‘community expectations’ provides a nebulous and imprecise basis for setting regulatory standards. While Parliament plays a mediating role, it remains unlikely that the breadth and variability of local communities can effectively be captured in a ‘one size fits all’ set of ‘community expectations’.

The current objects of the Act do not properly acknowledge the role of parents in setting ‘community expectations’ as discussed above. Nor do the objects reflect the role of parents as the ‘first and most important educational influence in a child’s life’ recognised in the Mparntwe Declaration. These should be addressed by the inclusion of a further object in the Act, modelled on one of the ‘Principles’ from the *Education Act 1990* (NSW).¹¹ **We recommend that the following be inserted as section 3(1)(a) of the Act –**

- (a) to recognise that the education of a child is primarily the responsibility of the child’s parents,**

This provides a basis within the Act for the recognition of the effectiveness of accountability to parents and the local school community as a means of safeguarding the quality of educational provision in Queensland.

In a similar way, **recognising the rights of parents under international law, the current object expressed in section 3(1)(c) of the Act should be replaced with –**

- to support the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions and foster educational choices in the State.**

With the objects of the Act altered in this manner, the role of the Board can be more properly understood and defined as supporting Queensland parents and providing a baseline of universally agreed regulatory requirements.

Child safety would clearly be one of those universally agreed regulatory requirements. Our call above to strengthen the requirements in relation to allegations of reportable conduct would be one element of that. However, in that area and in others, such as mandatory reporting and employment screening, other agencies with established specialist expertise already have legislative responsibilities. There would seem to be little to be gained from adding a further layer of, possibly less experienced and less skilled, oversight from the Board. Certainly, feedback from some schools has suggested a significant degree of variability in the approach taken by the Board in this area. Similar, if not identical, policies have received different responses from the Board, both across different schools during the same time frame for reviews and across different timeframes despite there being no intervening legislative change.

In relation to government funding eligibility criteria, the current requirements in the Act remain fit for purpose.¹² Indeed, along with the other criteria in the Act, there has been no evidence provided at any

¹¹ *Education Act 1990* (NSW) section 4(b).

¹² Section 10 of the Act.

stage of the Review process that the current government funding eligibility criteria have not been sufficient in any way.

This goes to a broader point in relation to the Review process. In announcing the Review the Minister indicated merely that “The current legislation has been in place for five years, so now is the right time to make sure the accreditation framework is fit for purpose, supports the provision of high-quality education, and ensures public confidence is maintained in our non-state schools”.¹³ No suggestion was made by the Minister of any failings in the current process needing attention and nor have any been identified in the Submission Guide. If there are to be recommendations made which would increase the regulatory burden on schools the principles of natural justice would suggest that schools and school groups are provided with an opportunity to respond to the claims made to justify the increased requirements.

Further consultation with school groups is essential if any additional regulatory requirements are proposed to allow the opportunity to respond to any purported shortcomings in the current regime.

Accrediting non-state schools – expectations and improvements

Current accreditation requirements are outlined in the Act,¹⁴ and within the *Education (Accreditation of Non-State Schools) Regulation 2017* (QLD) (‘the Regulations’), the latter providing more detailed expectations within the broad areas outlined in section 11 of the Act. In reviewing these requirements there are many which seem to be duplicating other legislative or statutory obligations, or compliance with other obligations would seem to provide prima facie evidence of compliance with the accreditation requirements.

Registration under the *Australian Charities and Not-for-profits Commission Act 2012* (Cth) (‘the ACNC Act’) is only available for not-for-profit entities.¹⁵ Most, if not all, non-government schools would be registered entities under the ACNC Act, requiring them to be not-for-profit on registration and thereafter. Registration under the ACNC Act should therefore be prima facie evidence of compliance with the government funding eligibility criteria under section 10(b) of the Act.

Registration under the ACNC Act would also seem to provide evidence of compliance with section 8(2) of the Regulations which require that records be kept of financial transactions for at least 5 years. The more detailed and onerous requirements under the ACNC Act require a registered entity to keep written financial records that:

- correctly record and explain its transactions and financial position and performance;
- enable true and fair financial statements to be prepared and to be audited;
- are in English; or readily accessible and easily convertible into English;
- are retained the records for 7 years after the transactions, operations or acts covered by the records are completed.¹⁶

An assessment that a school has ‘access to adequate financial resources for its viable operation’ would also seem to be discharged, by those schools subject to audit in accordance with the Australian Auditing

¹³ Media Release: *Queensland non-state school framework set for review*, 31 October 2022, <<https://statements.qld.gov.au/statements/96453>>.

¹⁴ Government funding eligibility criteria in section 10 of the Act.

¹⁵ *Australian Charities and Not-for-profits Commission Act 2012* (Cth) (‘the ACNC Act’), section 25-5(3)(a).

¹⁶ The ACNC Act section 55-5.

Standards, through the receipt of an audit report which does not include any qualification in accordance with Auditing Standard ASA 570 *Going Concern*.¹⁷

Other accreditation criteria refer to the obligations on schools from specific legislation, many of which contain compliance and complaint regimes, the reference to the *Work Health and Safety Act 2011* (QLD) in regulation 15(a) being a very clear example of this. The Board is unlikely to be resourced, experienced or equipped to deal with the obligations on schools under this Act, particularly when any action or determinations of the Board would not impact any actions or decisions taken by the regulator under that act.

In reviewing the Framework, consideration should be given to reducing the regulatory burden on schools, and the workload of the Board, by **considering other overlapping supervisory arrangements that may allow the reduction of accreditation criteria.**

Maintaining standards through monitoring and compliance

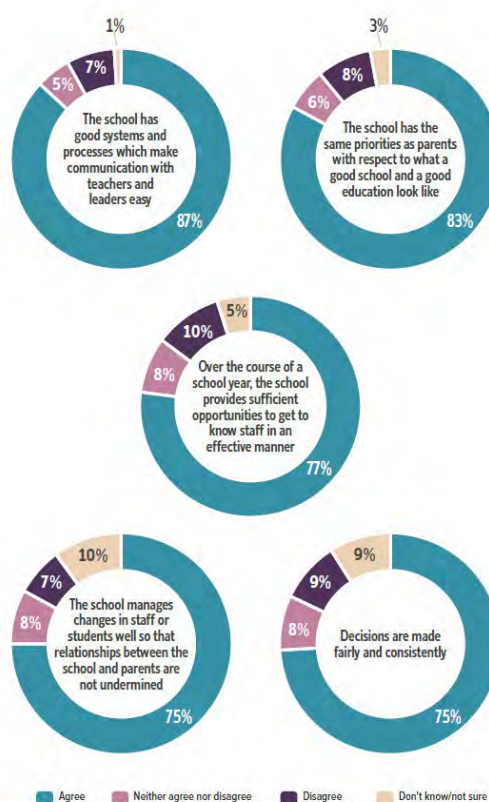
Acknowledging that there has been no evidence provided of any failure under the current regulatory regime it seems clear that changes to ‘strengthen monitoring and compliance’ are unlikely to be needed.

Once again, the *Christian Schools Community Profile Survey* provides some helpful perspectives. Christian schools, are highly responsive to parents and their concerns, which we suggest is representative of the vast majority of non-government schools,

The overall quality relating to the community and relational emphasis of Christian schools is clearly an area of strength according to the survey respondents, who perceived the systems and processes for communication and interaction between school and parents (87%) to clearly be the strongest aspect of Christian school communities. Parents also viewed the strong alignment between their own expectations and perceptions of what a good school and education looks like and the school’s expectations and priorities (83%) as another area of particular strength across the Christian school sector.

Fair and consistent decision making, opportunities to know staff and the management of change also elicited very positive responses from parents.

These responses demonstrate both the high level of engagement of Christian school parents, and the detailed and nuanced interest that they take with a wide range of facets of school operations. This ongoing, real-time accountability is a powerful form of monitoring of school performance.



¹⁷ Australian Auditing and Assurance Standards Board, 2015. *ASA 570 Going Concern (Compiled)*. Australian Government.

Given the effectiveness of this accountability to parents, it may be appropriate to recognise the role of parental choice more formally in the Act. **We recommend that the Act be amended to recognise that the objects may be legitimately achieved through parents exercising their choice of school by including as section 3(2)(a) –**

parents freely exercising a choice of school; and

The inclusion of this sentence will make clear that the Board is not the only means through which non-government schools are accountable. It reinforces the object to [support the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions and] foster educational choices in the State, and also reduces the focus on the Board to respond to any and all concerns that may be raised in relation to non-government schools.

Striking the right regulatory balance

In considering how to strike the right regulatory balance the ACNC Act provides a useful benchmark in relation to the development of the equivalent to accreditation criteria. The ACNC Act requires that before any regulations are made, to impose guidelines under the ACNC Act, that the Minister must be satisfied that appropriate consultation has been undertaken.¹⁸ The ACNC Act goes as far as to specify that this consultation must include:

- the not-for-profit sector (such as through entities that represent parts of the sector); and
- entities having expertise in fields relevant to the proposed regulation; and
- entities likely to be affected by the proposed regulation.

The Minister must also be assured that ‘relevant input received as part of that consultation has been taken into account adequately’. A similar approach should be adopted in the Act in relation to accreditation criteria contained in the Regulations. **We recommend that that the Act be amended to require that regulations to prescribe or amend accreditation criteria can only be made if the Minister is satisfied that:**

- **appropriate consultation has been undertaken with:**
 - the non-government school sector (such as through entities that represent parts of the sector); and
 - entities, including schools, having expertise in fields relevant to the proposed accreditation criteria; and
 - entities, including schools, likely to be affected by the proposed regulation.
- **relevant input received as part of that consultation has been taken into account adequately.**

The policies of the Australian Charities and Not-for-profits Commission (ACNC) for dealing with complaints also provides a useful framework which could assist the Board in dealing with complaints regarding schools.

The responses of the Board to complaints has created an increasingly onerous burden on schools and diverted staff time and resources from the provision of a quality education. Feedback from schools

¹⁸ ACNC Act section 45-15.

suggest a lack of triaging of complaints, acceptance of complaints with limited evidence and, at least in some instances, perceptions of schools effectively facing a reverse onus of proof.

The ACNC's *Policy Statement: Compliance and enforcement*,¹⁹ indicates that the ACNC is guided by four principles when exercising their compliance function and using their regulatory powers:

- Principle 1: Identifying and responding to risk
- Principle 2: Proportionate regulation
- Principle 3: Consistency
- Principle 4: Regulatory necessity

The policy statement, and the ACNC's broader *Regulatory Approach Statement*,²⁰ provides a clear, tiered structure that the ACNC follows in discharging its obligations as the charity regulator. Charities, including schools, have certainty and clarity regarding ACNC's approach and escalation pathway.

In relation to complaints received regarding charities, the ACNC's *Policy Statement: Complaints about charities* provides further guidance on the processes they will follow.²¹ These includes undertaking an initial risk based assessment of complaints before determining whether to investigate.

As the major regulator providing oversight of charities and not-for-profits organisations, the ACNC is well placed to provide a benchmark for the Board in its dealings with schools. **We recommend that a formal approach to regulatory activity, compliance and enforcement and dealing with complaints be incorporated into the Accreditation Framework along the lines of those used by the ACNC.**

The importance of powers

The Submission Guide poses the question, *Are the Board's current powers sufficient to enable it to take strong and immediate action to maintain public confidence when concerns are raised?*

Respectfully, we suggest that this question is flawed. We are not aware of any incident where it has been necessary for the Board to 'take strong and immediate action to maintain public confidence'. In fact, if it was to take such action 'when concerns are raised' this would seem to fundamentally undermine the principles of appropriate regulatory action.

Other regulators, and indeed the police, have appropriate powers to deal quickly with serious criminal matters, breaches of the *Work Health and Safety Act 2011* or child protection legislation.

What evidence is there of need to 'take strong and immediate action to maintain public confidence' in relation to other aspects of the accreditation criteria? Is it suggested that a concern about the statement of philosophy and aims of a school should trigger such action?

In any event, the Act already provides for a range of very serious regulatory actions to be taken by the Board and empowers 'authorised officers' with a wide scope of investigatory tools.

¹⁹ ACNC, *Policy Statement: Compliance and enforcement*, <<https://www.acnc.gov.au/about/corporate-information/corporate-policies/commissioners-policy-statement-compliance-and-enforcement>>.

²⁰ ACNC, *Regulatory Approach Statement*, <<https://www.acnc.gov.au/raise-concern/regulating-charities/acnc-regulatory-approach-statement>>.

²¹ ACNC, *Policy Statement: Complaints about charities*, < <https://www.acnc.gov.au/about/corporate-information/corporate-policies/commissioners-policy-statement-complaints-about-charities> >.

We recommend that no changes be made to the powers of the Board, and, if such changes are recommended, that further consultation be undertaken, and evidence be provided, to justify the changes proposed.

Good governance

Consistent with the approaches of the ACNC noted above, the Board should adopt a more formalised and transparent risk-based approach to its activities. This will allow a greater focus of resources where needed and establish consistency with the approaches outlined in the Queensland Government Public Interest Map and associated Good Governance Framework.²² A review of the activities of the Board against the Threshold Test within that policy may also result in a reduction of the scope of the Board's activities, given the overlap with other regulatory bodies noted above.

We recommend that that the activities of the Board be reviewed against the Government's Public Interest Map Policy to ascertain if all existing functions are necessary and should be undertaken in the current manner.

²² Queensland Government, Department of Premier and Cabinet, *Public Interest Map policy*, 18 May 2016, <<https://www.premiers.qld.gov.au/publications/categories/policies-and-codes/public-interest-map-policy.aspx>>.

Review Submission

NON-STATE SCHOOLS ACCREDITATION FRAMEWORK



15 May 2023

About Queensland Independent Schools

Community confidence in the independent schooling sector remains strong with more than 140,000 students enrolled in 232 independent schools across Queensland. These schools educate approximately 16 percent of the state's total school-age population and 20 percent of all secondary students.

Independent schools are valued institutions and a pivotal part of Queensland's education system. They are valued schooling choices for families, hubs of human and community connection, places of intellectual, civic and social development, employers and employment generators, education innovators and change-makers.

Independent schools are as unique as the communities they serve and offer parents a choice in the education of their children. Common to all independent schools is their commitment to strong student outcomes, high standards of behaviour, and the welfare and wellbeing of students.

Many independent schools educate international students or specialise in the education of students with disability. There has also been strong growth in the number of Special Assistance Schools for students who have disengaged from mainstream schools, and trade training schools that combine senior year studies with practical vocational education and training.

Over the past five years, enrolments at Queensland independent schools have increased by more than 11 percent. This growth is a clear indication that parents value an independent education and are prepared to invest their after-tax incomes in their child's schooling.

Independent Schools Queensland (ISQ) is the peak body representing Queensland's independent schooling sector. Independent Schools Queensland represents the interests of its member schools, fosters choice in education and protects the autonomy of independent schools. ISQ is a not-for-profit organisation and membership to ISQ is voluntary.

Executive Summary

Independent Schools Queensland values the opportunity to contribute to the Review of the Queensland Non-State Schools Accreditation Framework (Review) announced by the Queensland Minister for Education on 31 October 2022.

Since this initial announcement, ISQ has been consulting extensively with leaders and governing bodies of independent schools to hear about their experiences and understand their views regarding the Accreditation Framework. This consultation process included surveys, roundtable discussions and qualitative interviews held over several months.

This executive summary highlights the main themes and recommendations arising from ISQ's sector consultation. The remainder of this submission explains the issues in more detail and responds to the questions posed in the Submission Guide.

Theme 1: Communication and support

To meet the highest standards of compliance, schools need appropriate regulatory information and support. However, schools report that clear and tailored guidance is currently absent. Written communication by the Non-State Schools Accreditation Board (NSSAB) does not clarify expectations, nor is the language used in correspondence accessible. Further, interactions with the regulator and its representatives are frequently described as officious, sometimes even as intimidating, and as having a demoralising and destructive effect on school staff.

Recommendation: Introduce an object of support

A fourth object should be added to the Accreditation Act which would direct regulatory emphasis towards supporting the non-state schooling sector in meeting its regulatory obligations.

Such an object could be modelled after an object of the ACNC Act: *"To support and sustain a robust, vibrant, independent and innovative Australian not-for-profit sector."*

Theme 2: Complaints and investigations

Receiving and investigating complaints has become a core function of NSSAB despite the lack of complaints management provisions in the Accreditation Act. One of the key issues for schools being investigated is the inordinate amount of time and resources necessary to demonstrate compliance, exacerbated by a lack of empowerment to understand specifically what NSSAB expects of them. Even after receiving legal and professional advice, schools cannot be confident that their responses to NSSAB will be accepted, as the issues often lack clarity. As a result, schools report that compliance actions are often not proportionate, with no avenues for efficient and cost-effective resolution in place.

In addition, the complaints process seems to lack an appropriate vetting process that contemplates an appropriate minimum weight of evidence, frequently resulting in vexatious and spurious complaints being pursued. Some schools have even reported that the threat of a NSSAB complaint has been used by disgruntled staff or parents to blackmail or seek revenge against the school.

Recommendation: Introduce a constructive complaints-handling mandate

A complaints-handling mandate for NSSAB should be introduced into the Accreditation Framework, enabling complaints management processes to occur outside of the Board's regular compliance

monitoring and enforcement activities linked to accreditation and government funding eligibility criteria.

This would enable the establishment of processes that are fit for purpose to deal with single-issue complaints at an appropriate level of resourcing for both the regulator and schools.

Further, the mandate should provide regulatory discretion to decide which complaints to investigate, with considerable room for decisions not to pursue complaints. This would promote public resources being used responsibly.

Any future complaints management processes by NSSAB should require that complaint vetting processes use a minimum weight of evidence set at an appropriate level. It should also consider whether the complainant has taken appropriate action to address the grievances following the relevant school's publicly available complaints processes before accepting a complaint.

Theme 3: Inconsistencies

Independent schools have a strong self-interest to meet and exceed regulatory requirements.

A frequent concern by schools is that NSSAB's application of legislation and guidelines is inconsistent. These observations include authorised persons who differ in opinion as to the standards of minimum compliance they expect to find when conducting assessments at schools. However, schools have also reported instances of apparent inconsistencies in decisions by the Board.

Recommendation: Co-create with the sector, clear and accessible guidance materials for areas in which a need to set minimum standards is evident.

The presence of quality guidance materials would hold both schools and the regulator accountable for a consistent application of these standards. The materials should be co-created following a pre-determined process. Reversely, in areas where self-regulation is appropriate, schools should retain the ability to develop their own approaches.

Theme 4: Increasing Coverage

Schools report examples of regulatory creep at micro and macro levels. A broad trend was kicked off with the 2017 Accreditation Regulation which mandated the implementation of certain curricula. Through subsequent years, expectations about how schools could demonstrate compliance with the education criterion significantly increased, culminating in the publication of the *Guidelines for Educational Programs in Non-State Schools*. These are still subjected to unilateral editing by the Board today.

On a smaller level, the sector continues to experience situations in which the Board may make differing assessments of the same policy only months apart, based on increasing expectations that have not been communicated.

Similarly, the number of requests for information in response to review reports submitted by schools as part of the Board's Compliance Review Program has drastically increased in the past two years. Under the assumption that these reports could not have deteriorated to the same extent, increased expectations that have not been communicated must have been established.

Recommendation: Introduce a robust requirement for NSSAB to research, consult, publish and educate before establishing any new compliance standards or expectations.

NSSAB should be obliged to research the impact of proposed changes and review the impact for appropriateness. Such research would assist in deciding whether the proposed change would meet the desired objectives.

Any research should be shared with schools and the sector as opportunities for appropriately rigorous consultation are provided. Beyond a consultation phase, the sector should be provided with opportunities to co-create updated standards, promoting deep and sustainable engagement with them.

Appropriate timelines should be provided for schools to update their processes to align with the new expectations, and the regulator should provide adequate educational opportunities to ensure the sector has a clear understanding of the expectations.

Introduction

In this submission, we intend to describe how the current Queensland Non-State Schools Accreditation Framework operates in practice to assist with the development of amended or new legislation that ensures the Framework reflects a contemporary regulatory environment.

ISQ has prepared this submission to articulate the independent schooling sector's strong support for quality regulation and to describe key issues relating to the current framework, leading to recommendations for regulatory reform that would alleviate them. The submission is based on significant consultation with ISQ's member schools through member surveys, qualitative interviews and roundtable discussions.

ISQ is pleased to see the centrality of students and their families acknowledged as a guiding principle of the Review. It is a fundamental value proposition of all independent schools to provide a quality, safe and supportive educational environment for all students in which they can flourish and develop holistically. The significant growth of the sector across all domains of its diverse membership is a testament to the fact that these objectives can be successfully achieved through diverse expressions of educational paradigms, in small and large schools, urban and remote, based on expressions of faith-based and secular educational philosophies.

Any changes to the regulatory framework should be assessed as to whether they would add to the achievement of the objectives of the Accreditation Act. They should also place a high value on the societal benefits of school diversity which provide genuine parental choice for diverse educational offerings.

Consideration should be given to reforms that ensure that the Accreditation Framework is being administered in line with contemporary standards of good regulation and minimises the regulatory burden of industry participants.

Such a reform agenda is supported by the Queensland Government's Guide to Better Regulation (2019, p. 27), which states:

"Minimising regulatory burden in pursuit of policy objectives depends upon more than good regulatory design. The actions of regulators in how regulations are implemented, administered and enforced plays a significant role in effectively and efficiently achieving policy objectives and determining the level of regulatory burden experienced not just by stakeholders/regulated parties but by regulators themselves."

Response to Review Questions

Community expectations of schools

Question 1: Why is regulation of non-state schools important?

Education is a public good with the government making it compulsory for all school-aged children. This places a clear obligation on the government, through regulation, to give the public confidence that all young people have access to education of an appropriate standard in a safe and secure setting. This public confidence is relevant to the sector as a whole and to individual schools.

The Accreditation Framework in Queensland pursues this purpose chiefly through the Accreditation Act and Regulation. The objects of the Act are:

- (a) to uphold the standards of education at non-state schools; and
- (b) to maintain public confidence in the operation of non-state schools; and
- (c) to foster educational choices in the State.

There is broad support for the objects of the Act in the independent schooling sector. At the current time, the objectives of the Act are being achieved: There is a high degree of public confidence in the non-state sector as evidenced by increasing enrolments; standards are high as evidenced by excellent educational outcomes; and there is an extensive and increasing diversity of schools offering genuine educational choice.

The current achievement of the Act's objects may indicate that the regulatory framework on the whole is meeting its design objectives. Below we will put forward the recommendation to add a fourth objective to the Act.

Question 2. What issues have been raised with your organisation that can shed light on community expectations for non-state schools?

Queensland families value their ability to choose a school for their children that aligns with their values and beliefs, and an environment where they believe their child will achieve their full potential. Since 2006, ISQ has analysed the influences and motivations behind why parents chose independent schools through the *What Parents Want* longitudinal survey.

In the fifth survey conducted in 2021, 3,961 parents with children attending 116 Queensland independent schools shared their views. A key findings report is available on the [ISQ website](#).

The survey continues to demonstrate that parents have a clear vision of what is important to them when choosing a school for their child as indicated by the following responses:

I chose this independent school primarily because it is co-ed, has an ethos built on Christian values and the importance of building a strong sense of community. The school effects a mature and respectful approach towards student/teacher relationships and learning that fosters mutual obligation and an appreciation of personal and community responsibility. (What Parents Want Survey ID 49)

We chose an independent school based on their academic reputation, learning structure/choices and facilities, their behavioural management and wellbeing programs for the students, their support of students with additional disability needs and especially the school values that align with our family's core values. The school has surpassed all our expectations at the highest level. The learning, support and dedication of the staff throughout the school has been outstanding. (What Parents Want Survey ID 3500)

The *What Parents Want* survey summarises the top 10 reasons why parents choose independent schools:

1. Preparation for student to fulfil potential in later life
2. School seemed right for child's individual needs
3. The high-quality of teachers
4. Encouragement of responsible attitude to school-work
5. Teaching methods/philosophy
6. Reputation of school
7. Good discipline
8. Emphasis placed by school on developing student's sense of community responsibility

9. Range of subjects offered
10. Prospects for school leavers

It is important to highlight that the broad diversity of the independent schooling sector is mirrored in each independent school community's expectations for their particular school. Beyond broadly held expectations that schools should be safe spaces for students and that a school should deliver the educational program that it promises to, a homogenous set of expectations for independent schools does not exist.

A helpful accountability measure prescribed through section 60 of the *Australian Education Regulation 2013* is the requirement for schools to make parent, student and teacher satisfaction with the school publicly available through an annual report. Many schools utilise survey tools to measure the extent to which they continue to meet their school community's expectations; others gather such data using qualitative methods. Such school-level measurements are most directly indicative of the extent to which an individual school meets the expectations of its school community.

Question 3. What contemporary issues should the Non-State Schools Accreditation Framework seek to address?

During the COVID-19 lockdowns, schools in Queensland's independent sector implemented various forms of online/remote learning to provide continuity of education to their students. Many schools discovered significant benefits and opportunities during this time and have since then been considering the creation of hybrid learning options.

The current regulatory framework does not provide enough clarity to give schools the confidence to implement hybrid learning options, including for senior students. Whilst ISQ agrees that non-state schools that are not accredited for distance education should not be providing support or educational programs for students who are at home on an ongoing basis, the sector would welcome assurance through the Accreditation Framework that hybrid delivery of education can be facilitated if it is in the best educational interest of students.

A second contemporary issue is exhibited in the significant increase in Special Assistance Schools which demonstrates that a previously unmet need in the education sector is being filled. These schools require the flexibility to offer educational programs that are relevant to students who are disengaged from mainstream schooling. NSSAB's expectations for educational programs have however had the effect of limiting Special Assistance Schools' ability to cater for the specific needs of these students. The Accreditation Framework therefore should acknowledge that schools and their qualified teachers are best suited to shape their educational offering within the constraints of relevant curricula, noting that the Australian Curriculum itself provides significant professional discretion to meet the needs of students. The discretions of the Australian Curriculum should prescribe the boundaries for schools' education programs rather than further limitations introduced by a state-based regulatory framework.

Lastly, contemporary society increasingly expects that public services, including education, have regard for individuality and diversity rather than offering one-size-fits-all solutions. The community is therefore increasingly seeking to find schools that align with their values, beliefs and educational paradigms. An accreditation framework that limits the expression and implementation of diverse educational paradigms within the education sector would be contrary to this societal trend.

Question 4. How can the Accreditation Framework support a quality Queensland non-state schooling sector?

Independent schools desire to meet the highest standards of compliance and support being held accountable for the fulfilment of their regulatory obligations. In turn, they expect to have access to appropriate information and support to assist them in their ongoing compliance.

If the Accreditation Framework is to support a quality Queensland non-state schooling sector, then the notion of support must be embedded within the framework. The three current objects of the *Education (Accreditation of Non-State Schools) Act 2017* (Accreditation Act) do not mention such support. Therefore, the first step should be to add an object of support, directing regulatory emphasis towards supporting the non-state schooling sector in meeting its regulatory obligations.

Such an object could be modelled after an object of the ACNC Act: *“To support and sustain a robust, vibrant, independent and innovative Australian not-for-profit sector.”*

If such an object would exist for the regulation of the non-state schooling sector, NSSAB would be encouraged to provide more clarity, more advice, and more emphasis on working with schools to mutually agree on pathways to enhance compliance.

It might also encourage the Board to increase its regular engagement with the sector by facilitating listening activities with schools in all Queensland geographic areas.

A supportive posture could also lead to an increased readiness of NSSAB to work in close collaboration with school representative bodies.

This would elevate the proactive nature of NSSAB’s work, where compliance issues are prevented through information, advice, and capacity-building rather than through an increased number of compliance checks.

One element of the Accreditation Framework that currently supports the independent schooling sector is the Board’s compliance review program which was initially designed in 2001 to provide an element of self-regulation with the added rigour of external validation.

Whilst schools acknowledge the resource intensity of this process, they believe that it provides them with reasonable flexibility to demonstrate how their school’s education provision meets the requirements of the Accreditation Framework. In contrast to the inspectorial systems of other jurisdictions, ISQ believes that the current process overall supports a quality Queensland non-state schooling sector by striking the right balance between accountability and flexibility. Some suggestions to improve that process are provided below.

Further, any Accreditation Framework needs to provide suitable clarity on how compliance obligations are to be met and interpreted, and how schools are expected to remediate any compliance issues.

In order to continue to evolve and innovate in response to community expectations, schools need to have the assurance to know the areas in which they can adapt with agility and confidence without running into the risk of regulatory intervention. A good example of this is the way independent schools responded to the crisis of the pandemic. In 2020, regulators communicated that individual schools know best how to respond to disruptions caused by lockdowns and were given significant latitude to adapt. In response, independent schools demonstrated remarkable ingenuity and agility which allowed them to minimise disruption for the benefit of students, while even creating

opportunities to enhance learning. Clarity on the boundaries of discretionary decision-making supports the sector in being innovative and responsive.

Question 5. How can a quality, contemporary Accreditation Framework enable school communities, including students, to have a voice in how schools are run?

Several factors currently enable school communities to have a voice in how schools are run.

Firstly, market accountability drives the need to elevate stakeholder voices to the levels of management and governance. Independent schools provide a strong voice to their communities on how they are run to ensure they meet their community's expectations and enjoy the trust of ongoing enrolments.

Secondly, the legal environment encourages a requirement to listen to stakeholder voices. Directors' and officers' duties at law in Australia require them to act in good faith and the best interests of their organisation. Increasingly, it is recognised that the best interests of an organisation cannot be isolated from the interests of stakeholders, including employees, customers, and the community. Therefore, the diligent fulfilment of fiduciary duties includes listening to stakeholder voices.

Thirdly, the Regulatory Framework for non-state schools includes the already mentioned annual reporting requirement regarding school satisfaction data. In addition, the Accreditation Framework requires schools to have demonstrable school improvement processes informed, for example, by student, parent and staff satisfaction surveys or focus groups.

While these three points demonstrate that an existing framework prompting non-state schools to listen to stakeholder voices, including students, already exists, ISQ is aware that in contrast to some other jurisdictions, Queensland has not yet established a mandate to give effect to the National Principles for Child Safe Organisations (National Principles). These principles include opportunities for children to genuinely participate in decision-making processes around the promotion of child safety and wellbeing.

Protecting students, promoting wellbeing

Question 6. To what extent do you consider the Accreditation Framework aligns with community expectations of non-state schools in relation to safeguarding students?

Broad community expectations of schools as responsible, child-safe organisations are rightfully high, especially in the wake of the Royal Commission into Institutional Responses to Child Sexual Abuse.

The regulatory environment regarding child protection and mandatory reporting in Queensland is extensive and enforced vigorously by the Board. The framework includes the Accreditation Act and Regulation, the *Education (General Provisions) Act 2006*, the *Child Protection Act 1999*, the *Criminal Code Act 1899*, and the *Working with Children (Risk Management and Screening) Act 2000*. The relationship between these acts and regulations is complex and can lead to a tendency to overreport concerns to the relevant authorities.

Independent school communities expect that their schools are places in which appropriate, swift and effective action will be taken if harm or potential harm to students is identified. This includes the expectation of regular training and awareness raising for all staff. Independent schools take their safeguarding responsibilities very seriously as evidenced by nearly 18,000 completions of ISQ's child protection training during 2022.

Question 7. In what way should the Accreditation Framework embed concepts of student health and wellbeing and set associated expectations of non-state schools?

Going beyond requirements to protect children from harm, the National Principles include the concept of wellbeing within the potential scope of regulatory concern. Currently, Queensland independent schools are designing their own wellbeing programs, and these form a significant part of their value proposition. Independent schools demonstrate strong support for the implementation of quality wellbeing practices. If considerations of wellbeing should become part of the Queensland regulatory framework in the future, it should be done in a way that preserves the diversity of current approaches, as these are profoundly embedded within a school's educational philosophy and provide a choice for families.

Question 8. Are there any changes needed to better protect students and promote wellbeing?

The harmonisation or streamlining of child protection obligations would simplify child protection processes in schools, leading to increased confidence in dealing with concerns or incidents of harm.

If the concept of wellbeing were to be introduced through the National Principles, a common framework applicable to the entire education sector would lead to consistency, providing that it would not restrict existing school programs beyond reasonable boundaries.

Setting the standards of education – Expectations of schools

Question 9. How should community expectations of a quality, contemporary non-state schooling sector be reflected in the Accreditation Framework? Are any changes needed?

The range of expectations that community members have for the independent schooling sector is incredibly diverse and in certain ways, they mirror the polarised nature of our society at large. Not even the mere existence of the independent schooling sector is universally accepted by the community; even less so are shared expectations about specific aspects of a school's operations.

Within the independent schooling sector, schools pursue a diverse range of goals and educational philosophies, and they, therefore, attract a diverse range of families. This means that general expectations even from a subset of parents may not be relevant or applicable to all independent schools. As such, any regulatory framework should be flexible enough to accommodate the unique characteristics and expectations of each individual school and allow them to respond with agility to the needs of their students and community, rather than attempting to impose a one-size-fits-all approach.

The Accreditation Framework should therefore consider community expectations only where there is no reasonable divergence of views and where these views can be clearly defined.

In all other areas, the Accreditation Framework should be designed by considering whether the threshold for regulatory intervention is being met. The threshold is not being met if the education sector provides healthy competition and genuine choices for families that effectively drive school improvement, and if the potential risks and harms are minor. On the other hand, it may be met if, despite competition, the market is not providing an adequate level of protection or benefit to students and their families.

Potential risks and harms in relation to child safety are clearly significant enough to warrant regulatory intervention. As such, we support the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse as a reflection of general community expectations.

In relation to “quality” schooling, the current regulatory framework establishes an effective way for families to exercise genuine school choice based on quality indicators. School data including NAPLAN results are displayed on the MySchool website. Other school characteristics are required to be made publicly available through a school’s annual report published on its website. The ability of families to choose schools based on these indicators demonstrates that expectations of quality are already subject to effective regulatory obligations and market pressures.

Adding further regulatory requirements around “quality” schooling to the mix could be redundant and potentially burdensome for schools that are already meeting their parents' expectations.

Overall, it is each school community that is most directly impacted by the education provided by their specific school. As such, it is the parents' expectations that should be given the most weight when considering regulatory requirements for independent schools.

When assessing the extent to which a school meets its community’s expectations, our surveys show that parents expect the delivery of the type of education promised by the school upon enrolment. Parents expect students to be prepared to fulfil their potential in later life, and that their schools respond with agility when our understanding of this future evolves. A regulatory framework that is by nature backwards looking should be careful not to prevent schools from responding to such evolutions of understanding.

Parents also expect schools to provide the subjects, resources and facilities that have contributed to their enrolment decision. They expect that their school offers a specific set of subjects corresponding to their student cohort and the school’s educational aims and philosophies. They do not expect that the small school they have chosen offers the same subject choice that a larger school could.

However, there have been recent instances where NSSAB required schools to have curriculum documentation for subjects the school knew no student would ultimately choose.

Question 10. How can the Accreditation Framework for non-state schools be made sufficiently flexible to adapt to shifting community expectations for standards of education over time?

Both the Accreditation Framework and any associated expectations devised by the Board from time to time should remain set for significant periods, as such stability provides the foundation for a consistent and fair regulatory system. However, change is inevitable and a process of updating these standards should be embedded into the framework.

Regulatory regimes often suffer from regulatory creep whereby their functions and activities over time extend beyond those legislated or envisioned. NSSAB’s role in dealing with complaints, as described further below, might be seen as an example of such a situation. It is important to ensure that shifting expectations are channelled through a well-established process to minimise the risk of regulatory creep.

Standards of education relevant to a regulatory framework should only include minimum standards focusing on areas where there is potential for harm or a clear public interest. Areas where a clear indication of the need for minimum standards does not exist should not have such standards prescribed. For example, whether a school provides “breadth, depth and balance of learning” is best decided by the school in conjunction with an external validator, and subject to market forces of

parents enrolling their children. While the intent behind this standard as found in the Accreditation Regulation is supported by independent schools, its application at the level of regulatory enforcement has proven to be extremely problematic and has had the effect of preventing schools from offering contextually relevant learning provisions.

Areas in which a case for minimum standards is not established should be subjected to appropriate models of self-regulation.

Minimum standards should be set so that even small schools can reasonably comply with them, and larger schools should not be expected to implement different standards.

Once a case to modify a minimum standard has been established, NSSAB should be obliged to research the impact of the change and review the impact for appropriateness. Such research would assist in deciding whether the proposed change would meet the desired objectives.

Any research should be shared with schools and the sector as opportunities for appropriately rigorous consultation are provided. Beyond a consultation phase, the sector should be provided with opportunities to co-create updated standards that promote deep and sustainable engagement with them.

Consultation often does not occur in the current system. To provide a recent example, the [“Guidelines for educational programs for non-state schools”](#) (Guidelines) were last updated on 6 February 2023, prescribing new expectations on time allocations in Years 9 and 10. ISQ is not aware of any consultation or notification to the sector that may have occurred about this amendment.

Another example is how the Board deems school policies to be compliant. In its role as a peak body, ISQ offers several key policy templates to member schools.

On multiple occasions, NSSAB has deemed a school’s policy based on an ISQ template to be non-compliant when previously a policy based on the same template had passed NSSAB’s assessment. Between those policy reviews, no consultation or even notification about changes in expectations had occurred.

Once a standard has been finalised, it should then be published through a process of public notification of changes, and importantly made compulsory only after reasonable timeframes and the provision of education and support for the sector to meet the new expectations.

Finally, the desired flexibility of the regulatory framework cannot be achieved with a “command and control” regulatory approach. However, this approach has become the dominant form of regulation. In recent years, an observable shift in NSSAB’s risk appetite has elevated more and more areas to be covered by detailed control. If NSSAB is to continue this trend, it will require a significantly increased bureaucracy to manage this workload.

Question 11. To what extent do the government funding eligibility criteria under the Act align with community expectations?

The criteria prescribed in section 10 of the Accreditation Act continue to align with community expectations. Individual governing body members have fiduciary duties under statutory and common law, and these individual duties correspond closely with the funding eligibility criteria of the governing body under the Accreditation Act.

There continues to be an expectation that if a school receives government funding, none of the school’s proceeds should be distributed to members outside of an employee or contractual relationship entered at arm’s length.

Accrediting non-state schools – expectations and improvements

Question 12. What, if any, changes are required to the scope of the Accreditation Framework?

In relation to the accreditation application and assessment process, the scope of the Accreditation Framework includes the six accreditation criteria prescribed in the Accreditation Regulation, the suitability of the governing body and the government funding eligibility criteria. Applications for accreditation can be made for primary, secondary and special education. The mode of delivery of education includes the binary pair of classroom education and distance education. Special assistance education can be added as an attribute to primary or secondary education. Reviewing the appropriateness of the school site is also included within the scope of the framework.

Independent schools broadly support this scope of the framework. Issues have arisen not from the scope but due to the interpretation of some of the accreditation criteria. Issues with the educational program have been mentioned above. Issues arising from overlapping responsibilities between the regulatory responsibilities of NSSAB and other regulators will be highlighted below.

Question 14. What changes in an accredited school should trigger a further application for accreditation? To what extent should this process differ from a full application?

The current application requirements have the effect that some schools undergo the same comprehensive (in contrast to a limited) assessment process each year for several years in a row without clear justification.

For example, in short succession, a school may need to demonstrate compliance with all obligations of the Accreditation Framework at an establishment phase assessment, an assessment when starting to operate from a new site, then again when making an application to add an attribute to its accreditation (such as Distance Education), and then finally when they are asked to complete the Board's compliance review program.

It could be argued that a comprehensive assessment of all compliance obligations is not necessary for each of these instances; rather, it would be reasonable to require a school to demonstrate its compliance with building and resourcing requirements when starting to operate from a new site; or with educational program requirements when starting new year levels or delivering the curriculum through a new mode.

While the initial assessment of a school and the compliance review program provide suitable opportunities for a holistic and comprehensive review, in other instances it would be reasonable to limit the scope of an assessment to the aspects of accreditation that are actually changing.

Question 15. To what extent do the current requirements for suitability of a governing body meet contemporary standards of education?

The requirement of the governing body to be suitable to take on fiduciary duties of a school is well supported by independent school communities. In addition to the Accreditation Act, legislation governing the conduct of companies and charities includes certain disqualifications from being a company director or a responsible person for a charity.

Question 16. How does the ongoing nature of the accreditation of non-state schools align with community expectations and contemporary accreditation principles?

It is in the public interest to ensure that each school meets adequate standards and therefore, an ongoing renewal process every five years is well supported. It is however a clear community expectation that the ongoing accreditation of a school should be the default position, subject to the school periodically demonstrating its continual meeting of the criteria prescribed in the Accreditation Framework. An automatically lapsing accreditation would assume that the ongoing nature of students' enrolment at their school was in question. This doesn't appear to be a reasonable default position when the vast majority of schools are not only meeting but significantly exceeding the requirements.

ISQ supports a flexible approach to the periodic demonstration of compliance as per sections 170 and 171 of the Act because of the diverse nature of its member schools. Independent schools have successfully implemented these processes over the last twenty years. They are pleased with the improvements that have been achieved as a result of the compliance review program.

The process allows for reviews to be conducted in ways that are fitting for a school's location, clientele, history, experience, goals and aims, parental involvement, recent developments, and future plans.

The inclusion of an external validator in the compliance review process provides an inbuilt accountability mechanism that is appropriate to the sector's regulatory requirements. It has been proven to be effective and cost-efficient.

Any regulatory changes should preserve the flexibility of approach to demonstrate compliance and ensure it continues to be applicable to an industry as diverse as the non-state schooling sector.

Beyond the foundational intent and design of the compliance review program, recent experiences by schools undergoing the program have emerged that provide some cause for concern. The administration of the program by NSSAB and, for the delegated aspects of the program, by its secretariat has increasingly become narrow and bureaucratic, thereby significantly limiting the flexibility of approach that the process is intended to offer. For example, while the Act and the program guidelines provide considerable scope for governing bodies to develop a review plan that is appropriate to its context, in practice, only plans that are the same as, or very similar to, the template plan will be accepted.

Further, the number of requests for further information in response to review reports received has skyrocketed over the past five years by what ISQ estimates to be 5-10 times. Under the reasonable assumption that the quality of review reports has not deteriorated, this is clear evidence of changed regulatory standards with no origin in a changed Accreditation Framework.

Question 17. Commencement of the Act in 2017 streamlined accreditation processes. What, if any, impact have these changes had for the sector?

A significant change in the 2017 Accreditation Framework related to the mandating of the curricula to be used by non-state schools to be compliant with the education program criterion. This represented a major change in the regulatory approach, with the previous provisions requiring schools to have an educational program that had regard to the ages, abilities and aptitudes and development of the school's students. Under the new arrangements, the Australian Curriculum and ACARA recognised curricula were mandated for P – 10, and QCAA recognised curricula for Years 11 and 12.

This raised issues for schools based on different education philosophies such as Steiner and Montessori schools (subsequently resolved), for Special Assistance Schools, but also for mainstream schools in terms of flexibility and innovation in curriculum delivery.

NSSAB's interpretation of the new requirement for educational programs to "promote a breadth, depth and balance of learning appropriate to the phases of development and across an appropriate range of learning experiences" ([section 9\(1\)](#) of the Regulation) proved to be problematic. The current criterion does not provide clarity, is open to wide and varying interpretations and requires schools to offer an unnecessarily broad subject offering in the senior phase of learning although students are already at an age where they can choose to limit their studies to very narrow career pathways.

Other examples of issues that have arisen within the application of the education criterion include the requirement for special assistance schools to offer (and prepare paperwork for) certain electives in Year 10 even if students are not choosing them, or for schools not being allowed to offer school-based subjects in Year 10 transitioning into senior studies curricula unless they could prove that the entirety of the Year 10 Australian Curriculum has been completed.

After a long period of significant uncertainty by schools as to how to be compliant with the requirement to implement the approved curricula, the Guidelines were created to improve clarity. While the provision of such guidance was welcomed, schools continued to experience significant uncertainty, the cause of which were not the Guidelines (although some improvements should be made) but the continuous existence of disagreements in their interpretation.

This demonstrates that regulating the design of educational programs to the extent it is currently being done not only limits genuine educational diversity but also limits the ability of schools to cater for the specific needs of the students in front of them.

While details of the issues surrounding the education criterion go beyond the scope of this submission, they highlight that NSSAB has engaged in the detailed prescription of curriculum since 2017 which has caused a significant detriment to schools' abilities to offer educational programs in alignment with their school community's needs, leading to detrimental outcomes for students.

Maintaining standards through monitoring and compliance

Question 18. What, if any, changes are required to strengthen monitoring and compliance activities and enable a flexible, proactive and risk-based approach to regulation?

Complaints handling is a regulatory area that requires a more flexible approach. Despite there being no provisions in the Act to deal with complaints about schools, this has become a core function of NSSAB. Such a role was never envisioned in the establishment of NSSAB, and the Board did not handle complaints in its early days.

Rising consumerism and increased information about individual rights on the one hand, and political pressure for NSSAB to deal with school issues (particularly those receiving media attention) on the other have contributed to this increased regulatory activity.

As there is no legislative basis for dealing with complaints, NSSAB currently needs to link any incoming complaint to the accreditation criteria to investigate. Since NSSAB has no other avenue to pursue complaints other than by investigating whether a failure to implement the accreditation

criteria has occurred, its complaints handling processes are inflexible and unreasonably burdensome and bureaucratic.

Where there are systemic failures in a school, the school is unlikely to be meeting the accreditation criteria and therefore NSSAB has a justifiable obligation to deal with that school. However, for single-issue complaints, it is questionable whether using compliance activities to deal with complaints is good regulatory practice.

The result of this inflexible approach is that schools are spending an inordinate amount of time and resources to demonstrate compliance. This is exacerbated by a lack of empowerment to understand specifically what NSSAB expects of them.

- Many investigations and ensuing compliance activities take months and sometimes years until being resolved, at times costing schools tens, if not hundreds of thousands of dollars.
- Most of these costs are for legal advice that helps schools to understand the complex legal language of NSSAB's correspondence and the expectations that are being communicated to them in writing. NSSAB's letters are inaccessible and hard to understand even for school leaders with vast experience.
- Even with legal and professional advice, schools cannot be confident that their responses to NSSAB will be accepted, as the issues often lack clarity and definition.
- Considering these compliance costs, schools report that the issues being addressed are often disproportionate, with no avenues for efficient and cost-effective resolution in place.

A second major area of concern relates to how vexatious and spurious complaints are handled. Schools believe that the complaints process lacks a vetting process that requires an appropriate minimum weight of evidence.

One school reports:

We had a recent situation where an employee was terminated for breaches of the Child Protection Policy. They made outrageous complaints to the health department, QCT, NSSAB, QCAA and the media. The complaints were quickly assessed and dismissed as baseless and as an aggressively defamatory act intended to cause harm to our entity. Only NSSAB took up their cause. After extensive and costly processes none of the allegations were proven even remotely truthful, however, the impact on staff of the school was devastating with multiple staff and leaders taking extended leave to recover.

The sheer resources required to deal with minor compliance concerns are increasingly used as a device by disgruntled staff or unhappy parents to blackmail or seek revenge against schools.

Some school leaders are very familiar with statements such as "If you don't give me [...], I will make a complaint to NSSAB that will keep you busy for months" and "You can't treat me like that, I am going to make your life hell with NSSAB".

ISQ, therefore, recommends consideration be given to the introduction of a complaints-handling mandate into the Accreditation Framework, enabling complaints management processes to occur outside of the board's regular compliance monitoring and enforcement activities linked to accreditation and government funding criteria.

This would enable the establishment of processes that are fit for purpose to deal with single-issue complaints at an appropriate level of resourcing for both the regulator and industry participants.

Further, the mandate should provide regulatory discretion to decide which complaints to investigate, with considerable room for decisions not to pursue complaints. This would promote public resources being used responsibly.

The Australian Charities and Not-for-profits Commission (ACNC) is empowered through its Act to establish a regulatory approach conducive to upholding standards while spending resources appropriately. For example, the ACNC clearly states that it is “not resourced to investigate every regulatory concern that is brought to its attention. The ACNC targets its resources in those areas that present the greatest risk to public trust and confidence.”¹ Further, it states that “the ACNC does not act in response to all charity-related concerns. It is not our role to run charities.”²

Similarly, the Australian Securities and Investment Commission (ASIC) states that “we carefully consider how to respond to all potential contraventions of the law, but we cannot undertake a formal investigation of every matter that comes to our attention. Instead, we are selective about the matters we pursue to ensure we use our resources to target misconduct effectively.”³ “Under the laws we administer, we have the discretion to decide whether to take further action on reports of misconduct that we receive.”⁴

Apart from the word “*may* give the governing body a notice” (for example in [section 62\(3\)](#)), there is currently nothing in the Act to support NSSAB having discretion about non-pursuance of compliance concerns.

NSSAB’s “Policy for managing compliance concerns”⁵ states that “the Board must assess each compliance concern and decide on an appropriate course of action. Appropriate actions may include seeking further information, investigation, referral to another agency, or a decision not to progress the concern.”

Compared to the regulatory approach statements of ASIC and the ACNC, NSSAB provides itself with significantly less latitude not to pursue complaints.

Any future complaints management processes by NSSAB should require that complaint vetting processes use a minimum weight of evidence set at an appropriate level. It should also consider whether the complainant has taken appropriate action to address the grievances in accordance with the relevant school’s publicly available complaints processes before accepting a complaint.

All complaints should be assessed with due diligence. When a complaint is received, it should be subjected to an initial inquiry that establishes whether it presents as a low-risk issue that can be settled quickly and at a low cost to the regulator and the regulated entity.

To facilitate an efficient complaints resolution process at this early stage, a voluntary inquiry pathway should be introduced that allows the regulator at the officer level to make verbal inquiries with the school and the complainant. It should be an express goal at this stage to assist in the resolution of complaints to preserve resources for more significant matters.

Engagement by schools in this process would require confidence that their voluntary collaboration will lead to better outcomes.

¹ [ACNC Regulatory Approach Statement | ACNC](#)

² [ACNC Regulatory Approach Statement | ACNC](#)

³ [ASIC’s approach to enforcement | ASIC](#)

⁴ [How ASIC deals with reports of misconduct | ASIC](#)

⁵ [Policy Compliance Concerns | NSSAB](#)

If complaints cannot be resolved efficiently at this initial step, they will then need to be introduced into the formal complaints management process.

The workload of the Board could be improved significantly through the provision of a delegation of the complaints management process to a committee.

Under well-considered terms of reference, such a committee would provide a greater focus on the issue and its resolution rather than being concerned about the ongoing accreditation of a school. The matter would only be forwarded to the Board for further action where a clear case has been established that the school is not complying with accreditation or government funding eligibility criteria.

Question 19. To what extent should information be made publicly available where a school's existing accreditation is being considered, noting the need to strike a balance between public interest and due process?

There are significant problems associated with making details of regulatory action available to the public. Questions about the application of natural justice are instructive.

Information about compliance action made public before the settlement of the issue (potentially at tribunal) prejudices the compliance process and imposes serious and irreversible reputational harm on an organisation.

It carries with it an assumption of guilt and would only be appropriate for matters related to significant safety concerns. For such situations, regulators such as Work Health and Safety Queensland are already equipped with immediate powers to make certain information available.

In addition, any information made public has the potential to lead to confusion and misinterpretation among the general public and the school community, who may not have the expertise to understand the context and implications of the information. The legal language currently used by NSSAB in its correspondence is adding to the likelihood that even minor compliance matters will be perceived as major issues.

Question 20. What level of support should be provided to non-state schools to make sure they implement the accreditation requirements and uphold standards? Should this approach differ for new schools?

Schools currently perceive a significant lack of clear regulatory guidance and support that is accessible and tailored to meet their needs.

Firstly, NSSAB's correspondence with schools does not assist them in understanding and enhancing their compliance with regulatory obligations.

Its correspondence makes very accurate legal statements referencing applicable legislation, but it does not consider the target audience by clarifying expectations in accessible language.

One school describes NSSAB's correspondence as a "guess-what-we-are-thinking game that is reflective of a 1970s teaching approach". Other schools describe that they are left having to resort to a "try and guess" approach to responding to NSSAB requests.

Secondly, schools report significant barriers trying to engage productively with NSSAB by seeking to discuss matters or receive additional information that would assist in enhancing compliance.

We heard from several schools that have approached the secretariat for guidance on how to respond to an investigation about not offering the correct range of subjects for a particular year level. The

only guidance given to them was that their educational program must have “breadth, depth and balance” and that this may look different in each school’s context. There was no interest to collaborate with these schools to determine suitable options or pathways towards compliance. This example is indicative of NSSAB’s current engagement practices.

Thirdly, schools are concerned about the officious posture taken by NSSAB in its interactions with schools at all levels, from Board correspondence to visits by some authorised persons. One school reflected that “we got the shock of our lives when the authorised person said, ‘I usually get sent to schools to shut them down’”.

Schools perceive many verbal and written interactions with NSSAB and its representatives as intimidating, noticing the implied threat of loss of accreditation in every letter. As a result, many schools report a demoralising and destructive effect of NSSAB interactions on their staff.

Independent schools are strongly encouraging the regulator to establish education and support activities to assist schools in their compliance journey, for example through the provision of co-created guidance materials, advice services, and capacity-building activities.

Striking the right regulatory balance

Question 22. What, if any, opportunities exist to streamline regulatory and administrative processes, without compromising standards?

A frequent concern by schools is that NSSAB’s application of its legislation and guidelines is inconsistent.

The powers of assessors under the Act have been expanded from time to time to incorporate new functions or activities of the Board. The Board relies heavily on the work of assessors who are seen to be independent (for example, as opposed to assessments being undertaken by departmental officers).

However, the nature of the assessor system, and the apparent lack of ongoing professional development for the assessors, negates one of the principles of good regulation in terms of the exercise of bureaucratic discretion. Apart from each assessor having different skills and perspectives, a lack of consistency is one of the challenges of the regulatory processes. One assessor may have a view that a school is compliant in a particular matter, however, another assessor may have a different opinion. There are numerous examples of such situations. This can result in a level of uncertainty for schools as well as fostering an unacceptable level of suspicion in the overall Accreditation Framework.

One governing body operating several schools tells of their experience that exactly the same policy can be reviewed by authorised persons in two separate schools, and one school is required to make alterations while the other school is not.

Inconsistencies are further exemplified by a governing body which successfully operates several sites in Queensland. Having undertaken several new school/campus accreditation processes over a number of years, they experienced significant regulatory issues for only one application. This left them investing an inordinate amount of time, effort and resources on an issue that was, confusingly for them, not mentioned in any prior or following applications.

The importance of powers

Question 24. Are the Board's current powers sufficient to enable it to take strong and immediate action to maintain public confidence when concerns are raised? If not, what areas should be strengthened?

ISQ argues that improved regulation does not require NSSAB to obtain more regulatory powers. It already has sufficient regulatory means to take action where required and has used these powers to appropriate effect in the past.

The Accreditation Framework further acknowledges links to other regulatory authorities through reference to the *Work Health and Safety Act 2011*, various acts dealing with child protection matters and the *Education (Queensland College of Teachers) Act 2005*. The regulators or authorities empowered by these Acts are endowed with significant powers to immediately act on issues of safety or significant concern. Hence, strengthening of powers for NSSAB in these areas would invariably duplicate the powers of those regulators and would therefore not only be unnecessary but also against best practices in regulatory design.

Good governance

Question 25. What improvements could be made to the Board's governance, decision making, administrative and operating arrangements to support a quality, contemporary non-state schooling sector in Queensland?

Representatives of the two non-state schooling sectors have been members of NSSAB since its establishment in 2002. This reflects the original intent of the regulatory regime which was collaborative and "light touch".

This representation has been the subject of consideration by NSSAB and the government in recent years based on perceived conflicts of interest. However, history would indicate that the representatives have handled any direct conflicts of interest professionally and appropriately.

Removal of sector representatives would be a backward step and would challenge the collaborative and consultative nature of the work of NSSAB. The work of NSSAB could in fact be further improved with more Board members who have a deep understanding of the operation of non-state schools and more direct consultation with non-state schools.

Summary

This paper has emphasised the independent school sector's support for effective regulation. It made a case for a changing regulatory posture towards more feedback and support for industry participants. It explains current challenges regarding NSSAB's complaints handling, inconsistencies and an often-confusing increase in regulatory scope. It reflects on principles of effective regulation to make recommendations for regulatory reform.

The paper noted that the current regulatory arrangements for non-state schools in Queensland, introduced in 2002, have generally served the sector and the community well. Overall, the accreditation arrangements have not impacted the continuing growth of the independent sector, its achievement of excellent educational outcomes and importantly, its offering of increasing educational diversity and choice to the Queensland community.

Therefore, at this time there does not appear to be any strong evidence of the need for major structural change. However, significant adjustments to the regulatory approach will be necessary to facilitate a model that meets Queensland government principles of best-practice regulation. Principles we consider applicable to the regulation of the non-state sector in Queensland are described in the appendix.

ISQ welcomes the consultative approach taken by the independent reviewer and is pleased to submit this paper for consideration in the review.

Appendix: Principles of Effective Regulation

It is extremely rare for there to be deliberate non-compliance with accreditation requirements, for example, fraud, in the non-state schooling sector. Schools have a high ethical regard for the requirements of governments, and a genuine desire to utilise their best efforts to meet those requirements. This provides a solid basis for a regulatory environment that is based on best-practice regulation.

Governments have available many different regulatory tools, and they regulate different industries in different ways. Three main approaches to regulation are “command and control,” performance-based, and management-based. Each approach has strengths and weaknesses. Selecting the type of regulation to apply to a sector will have major impacts on the targeted institutions and on the potential for success in achieving regulatory goals.

Traditionally, the majority of regulations have taken the form of what is frequently referred to as “command and control” regulation. Under this approach, the regulatory agency sets forth methods, materials, and processes by which the regulated entity must operate.

Command and control regulation, in theory, creates certainty—for the government, the regulated entity, and the public—that a body of experts has carefully developed the safest and most efficient mode of operation for the sector. This type of regulation is relatively easy for the regulator to observe and evaluate, and therefore to determine compliance. However, it can be a highly expensive form of regulation, as well as limiting diversity and stifling innovation.

Where there is a high risk, a “command and control approach” might be applied, whereas, in low-risk situations, institutions might be allowed to self-regulate. Diligently distinguishing areas of high and low risk is an important task to create the regulatory mix appropriate for an industry’s risk environment.

Queensland Government Guide to Better Regulation

The Queensland Government has agreed that regulatory processes in the State will be consistent with the Council of Australian Governments (COAG) *Best Practice Principles for Regulation Making* (COAG 2007). Queensland’s *Guide to Better Regulation* (2019) identifies several model practices that support the achievement of policy objectives through better interactions between regulators and their stakeholders, resulting in reduced burden/costs for all parties. These practices are consistent with similar principles adopted in other jurisdictions nationally and internationally.

Model practices that have a strong application for the regulation of the non-state schooling sector are as follows:

Model practice 1: Ensure Regulatory Activity is Proportionate to Risk and Minimises Unnecessary Burden.

- a proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions
- regulators do not unnecessarily impose on regulated entities
- regulatory approaches are updated and informed by intelligence gathering so that effort is focused towards risk.

Model practice 2: Consult and Engage Meaningfully with Stakeholders.

- formal and informal consultation and engagement mechanisms are in place to allow for the full range of stakeholder input and Government decision-making circumstances
- engagement is undertaken in ways that help regulators develop a genuine understanding of the operating environment of regulated entities
- cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework.

Model practice 3: Provide Appropriate Information and Support to Assist Compliance.

- clear and timely guidance and support are accessible to stakeholders and tailored to meet the needs of the target audience
- advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance
- where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice.

Model practice 5: Be Transparent and Accountable in Actions.

- where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders
- decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions
- indicators of regulator performance are publicly available.

ACNC Regulatory Model

The Australian Charities and Not-for-profit Commission (ACNC) uses another helpful regulatory approach that should be considered. Its regulatory approach statement describes an intervention pyramid by which most effort is focused on education, escalated to more interventionist sanctions proportionate to risk and the responsiveness of charities when problems arise.

Relevant excerpts from the [ACNC Regulatory Approach Statement](#) are as follows:

The ACNC's compliance actions are proportionate to the problems we seek to address.

Much of our work involves preventing problems by providing information, support and guidance to help charities stay on track. This is reflected in the pyramid's wide base encompassing educating and informing the charitable sector. Where possible, we work collaboratively with charities to address concerns.

This means that where charities have minor problems in complying with the ACNC Act or Regulation, we will seek to work with them to address the minor problem and get the charity back on track.



Pyramid (from bottom to top):

(a) Education and support (guidance materials, advice services, education, capacity building, supporting sector initiatives such as forums and excellence awards, reporting reminder letters)

(b) Assisted compliance (letters and phone calls to discuss compliance concerns, regulatory advice, agreed actions to ensure compliance, overdue reporting letters)

(c) Proactive compliance (investigations, use of information gathering and monitoring powers, warning, overdue statements of charity register)

(d) Graduated and proportionate sanctions

(enforceable undertakings, compliance agreements, directions, injunctions, suspension or removal of responsible persons, penalty notices)

(e) Revocation

Engagement with sector

"We have a [stakeholder engagement framework](#), which includes staging regular consultative forums. We work closely with peak bodies, advisors and other key stakeholders. We deliver educational material through multiple channels, often delivered in partnership with peak bodies, to help charities comply with the ACNC Act.

We believe that maintaining meaningful, professional working relationships with our stakeholders will enable us to achieve better regulatory outcomes.

Stakeholder engagement creates a feedback loop that supports continuous improvement.

Stakeholders help us communicate what the regulations are and what people should do to comply.

Listening to stakeholders ensures that decisions can be made in an informed way and helps to validate or question any underlying assumptions and identify potential unintended consequences.

Genuine engagement builds understanding and commitment to the successful implementation of a policy."




Queensland Non-State Schools Accreditation Framework Review

Submission by Genesis Christian College

Contact: Paul Sterling, Principal

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We refer to the request for submissions in relation to the Queensland Non-State Schools Accreditation Framework Review and provide this submission in response. We thank you for the opportunity to provide this feedback.

Genesis Christian College

Genesis Christian College is an Independent, co-educational school in Bray Park catering for students from Prep to Year 12. The total enrolment in 2023 is 1580 students.

Question 1: Community expectations of schools

Our college welcomes the monitoring and maintaining of standards and compliance within the non-state school's sector. It is essential that non-state schools are held accountable, and that each institution is a place of safety, support, and encouragement for all students. It is also essential that structures and systems support the prevention of harm and the general wellbeing of students.

In our school community a large percentage of our parent body have the view that they as parents are the primary educator of their children and therefore, they select very carefully the school that their child attends. Providing choice and diversity amongst non-state schools is an expectation of our community. We believe our parents are looking for an alignment with their values, morals, and their teachings in the home. They are typically seeking an institution that prioritises the integration of faith in learning and the teaching from a Christian worldview.

As a non-state school, we manage to balance excellent learning opportunities that align with the Queensland Curriculum and Assessment Authority requirements whilst integrating a worldview that aligns with parents' expectations.

One of the great strengths of independent schools is that they provide parents with 'Choice and Diversity,' Independent Schools Queensland's motto. Parents select an appropriate school for their children based on numerous factors and often the expectations held within the context of one school is different to others. The Accreditation Framework should aim to support the Queensland non-state schooling sector by continuing to allow and celebrate the diversity that exists amongst non-state schools and avoid placing structures on schools that causes them to become 'the same.'

It is our view that non-state schools do a good job at providing opportunities for their stakeholders to have a voice and provide feedback. A contemporary Accreditation Framework should continue to encourage this process of feedback and responsiveness so that the school community expectations are met.

Question 2: Protecting students, promoting wellbeing

One of the greatest strengths of independent schools is their commitment to a proactive approach to protecting students and fostering their wellbeing. The independence that our schools have to employ staff that are aligned with the ethos of the institution assists in ensuring they can have a shared vision around providing care, compassion and support. This strengthens our ability to be a safe school and a school with a reputation of care. Our college regularly receives feedback from parents and students affirming this level of care and support. The reputation that independent schools have for being safe and caring environments is one of the reasons that the independent sector is growing at a rate higher than any other sector in Queensland. Recognising and integrating programs to suit a variety of learning styles during childhood and adolescence fosters this promotion of wellbeing.

Parents regularly express in enrolment interviews that they are applying to our school for a position because of the culture of care and support that exists. Our school prioritises the resourcing of wellbeing programs and structures. Through our Chaplains and Counselling staff and the support of teachers, various wellness programs are offered to the students. Our staff are always on hand to meet with students and their parents to offer support. This holistic support is offered by our teaching staff and our non-teaching staff and it is therefore critical that careful recruitment occurs in order to appoint the right people that align with this vision and are able to offer this level of care. The culture that we have developed in our school and continue to work hard to maintain also enables us to consistently offer a place of support and care.

Question 3: Setting the standards of education – Expectation of schools

The current Accreditation requirements sufficiently address the essential standards for non-state schools. These include the importance of a suitable Governing Body, appropriate use of Government funding, Governance and Administration, Educational Program, Student Welfare, School Resources, and School Improvement. Our communities are looking for confidence and consistency in the process of accreditation for education as they would with any service. It is our view that these standards remain the critical standards for non-state schools and suitably reflect community expectations.

Community expectations should be reflected through the recognition that we live in a pluralistic society, and it is important that difference is recognised and embraced as a key aspect in the Accreditation Framework. The expectations of parents in one non-state school will be significantly different to those in another school. Parents select specific schools that align with their expectations, values, and desires for their children. Providing sufficient scope for this to occur will allow community expectations to be met. A narrowing of the diversity of educational philosophies and religious affiliations would prevent community expectations being met. Individual schools need the flexibility to express their individual personality as outlined within their Mission and Vision statements. If levels of flexibility are not maintained for schools to pursue their educational philosophy and religious affiliations, we face the great risk of removing one of the strengths that exists within the independent sector.

Additionally, we believe that the current funding eligibility criteria is appropriate as it currently stands and is considered to suitably align with current community expectations.

Question 4: Accrediting non-state schools – expectations and improvements

It is important that our community recognises that there are rigorous and effective measures of accountability in place for Independent Schools to maintain the confidence and reputation that schools have with their communities. Currently the Cyclical Review process for schools occurs every five years. This, in our view, is an appropriate balance and timing for schools.

The Cyclical Review process could be improved by the NSSAB providing greater clarity around expectations. We have experienced that a back-and-forth process tends to occur with the NSSAB as we seek to understand exactly the wording that needs to be included in the various policies. Understanding the parameters and specific requirements before entering this process would create efficiencies and avoid frustration on both ends of the review process.

Question 5: Maintaining standards through monitoring and compliance

It is certainly our intent as an independent school to act in a compliant manner, maintaining a standard of excellence in all areas. It is therefore important to us that NSSAB maintain standards and monitor compliance not in a top-down manner but rather in partnership with schools, collegially working together to reach the highest standards.

If such a partnership was the objective of NSSAB then it would be reasonable to expect that when a school failed to comply in a particular standard or required further improvement this partnership would enable learning to occur and compliance to be achieved in a short period of time. Therefore, it would seem very rare that there would be a need for information concerning schools to be made publicly available. We would think that making information publicly available would be considered the last resort and only in situations that could present imminent high risk to the staff, students and families of the school. Prior to any information being made publicly available we would expect that a fair process had occurred, and appeal opportunities had been made available.

Question 6: Striking the right regulatory balance

The process of External Validation which forms a part of the current Cyclical Review process is valuable and effective. However, if this process is endorsed into the future, it will be important that it is valued and relied upon. If standards were to be reviewed by the External Validator it would be important that this be considered by NSSAB as valid and complete. The current process does create opportunity for an External Validator to endorse a school in various standards and then have NSSAB question this endorsement and begin requesting information that was viewed by the External Validator. This ultimately questions the validity of External Validation.

External Validation in our view is a very valuable and helpful process. Perhaps NSSAB training particular validators that schools could use would build confidence within NSSAB around the External Validation process.

Question 7: The importance of powers

The Board's powers are sufficient as they currently stand to uphold standards and maintain public confidence in non-state schools.

Question 8: Good governance

The Boards' governance structure and administrative arrangements, as introduced in 2001, continue to reflect best practice and meet community expectations. Mandatory Governance training of an introductory nature for all Directors on school Boards could be considered to further strengthen governance skills within non-state schools.



Associated Christian Schools

15 May 2023

Professor Cheryl Vardon
Non-State Schools Accreditation Review

By Email: NSSAF.Review@qed.qld.gov.au

NON-STATE SCHOOLS ACCREDITATION FRAMEWORK REVIEW SUBMISSION BY ASSOCIATED CHRISTIAN SCHOOLS

We refer to the Non State Schools Accreditation Framework Review, and specifically your invitation for organisations to provide submissions.

Associated Christian Schools

Associated Christian Schools (ACS) represents over 45 independent Christian Schools throughout Queensland (referred to as “member schools”). With almost 30,000 students attending member schools, this represents approximately 20% of the independent school students in Queensland. Whilst each of our member schools are independently governed, they choose to collaborate together through ACS in the areas of public policy, advocacy, strategic thinking and research.

INITIAL OBSERVATIONS

At the outset, we make a number of observations, as they are relevant to the inherent biases referenced in the NSSAF Review and the Terms of Reference. It is important that these observations are given appropriate consideration in your review and advice to Government.

Source of Funding

Firstly, Non-State Schools are not solely funded by government. Whilst government funding (Commonwealth and State) is a part of a non-state school’s funding, there are other significant sources of funding, including:

- Parent fees and levies;
- Block Grant Authority Funding (for school building construction);
- Gifted funds from related entities (i.e. where the school operates as a ministry of the church, the church will invariably gift significant funds to the school, provide interest free/interest reduced loan, or provide low/no rent of church property);
- Donations from individuals/organisations; and
- Sponsorship programs (i.e. third parties sponsoring specific events or activities of the school).

It is a disappointing observation that Government (and by proxy, NSSAB) perceive Non-State Schools to be entirely government funded, and therefore subject to significant regulation and oversight in respect of all monies received. There seems to be no consideration that Non-State Schools are also receiving significant funds from third party supporters (including churches, supporting individuals and other organisations), as well as parent funding. Other commercial

entities, and most other charities, are not subject to the same degree of regulation and oversight to which NSSAB exercises over Non-State Schools.

Further, this level of oversight is unnecessarily duplicated, in circumstances where Non-State Schools are also subject to the regulatory oversight of the ACNC.

Having said this, we accept that regulation and oversight is appropriate in respect of government funding. However, we would suggest a more understanding approach should be taken by NSSAB in respect of how a school utilises funds received through non-government means.

Christian Faith and Practice is the essence of why our member schools exist

We make the comments that follow having regard to the particular circumstances that led to this particular review (as enunciated by the Minister for Education). The Minister appears to have initiated this review because of her perception that faith-based schools are not safe environments for students.

It is important to understand that our member schools consider their educational activities to be a direct extension of their Christian calling and ministry. It is the Christian faith of the school (and by extension, the Christian faith of those persons who are the governors, leaders and employees of the school) that underpins the primary reason for the school's existence. Put simply, our member schools exist to be independent **Christian** schools (where Christian faith and beliefs are central to the purpose and activities of the school). They do not exist, and were not created, to be schools that are simply motivated or influenced by Christian faith. Their Christian faith runs much deeper and forms the essence of the school and the purpose for its existence.

How an independent Christian school pursues its educational objectives must be viewed in this light. The independent Christian School is not, and will never be, a public school. It is, and will always be, an independent Christian School. The independent Christian School's activities will be primarily informed and motivated by its Christian faith. It will educate and care for its students from a Christian worldview, rather than a secular worldview.

Government regulators must not expect faith-based schools to educate students from a secular perspective; but instead must support the right of all faith-based schools to educate students from the faith perspective of that particular school.

It is for this reason that the Christian faith of those called to work within a member school (whether as a governor, teacher, administration or maintenance worker) is an essential characteristic of their employment. Our member schools consider it essential that their right to select staff based on Christian faith be retained. Our member schools are disappointed that the Queensland Government has, in recent months, sought to criticize the right of faith-based schools to employ persons of the same faith as the school.

Choice of Schooling

Enrolment of students within our member schools is a choice made by the parents, having regard to the values and ethos of the school. The parents' right to choose a school in this regard (including the right to choose a school of the same religion) is an important human right. It is an accepted legal principle that any limitation of a human right (including the parents' right of choice) should accord with the Siracusa Principles (and specifically that any limitation of the right be both **necessary** and **proportionate**).

Our member schools are upfront regarding their Christian beliefs and values, and this usually forms part of the Enrolment Contract that parents sign when accepting an offer of enrolment.

This is an important feature: parents choose to enrol their children in a member school because of these beliefs and values. Parents will often make this choice because the member school's beliefs and values align with their personal beliefs and values.

In this respect, your paper often refers to "community expectations". In response, we would query what "community" you are referring to. In our submission, the relevant community is the group of parents and students who voluntarily choose to enrol in a particular school, having regard to how the beliefs and values of the school align with their personal beliefs and values. It should not be a subset of the broader community, who may refuse to accept the religious beliefs and practices of a particular religious group.

Of course, our member schools regularly make significant adjustments to accommodate the individual needs of students (whether that relates to a student's gender identity, sexuality, disability or other characteristic or attribute). Duty of care considerations (particularly in respect of children) is a significant consideration for schools to be mindful of. However, our member schools are not simply motivated by legal obligation (whether that be a school's duty of care or other obligation under legislation). They make these adjustments primarily because of their genuine care and concern for all students (which is a key value of our member schools, flowing out of their Christian beliefs).

However, where individuals choose to be part of a school's community, there is a legitimate expectation of respect for the beliefs and values upon which the school is founded and operates. Our member schools do not operate in a vacuum, such that their schools are the only available educational option. In every region where our member schools operate, there are a diverse range of schools operating (which are based on different beliefs and values – whether derived from religion or a secular viewpoint). Individuals have a choice regarding where they decide to study or work.

We now turn to the specific headings set out in your Review paper.

1. Community Expectations of schools

As already stated, the important consideration here is the expectation of the community who choose to enrol their child at the Non-State School. That community choose a specific Non-State School because of the values and ethos of that particular school. This important right of choice should be respected by Government and NSSAB.

We accept that there are certain legitimate expectations that Government and the broader community may have in respect of Non-State Schools. For example, it is appropriate that Government expect that Government funding be applied in respect of the education of students enrolled within the Non-State School. It is also appropriate that Government expect that Non-State Schools provide a safe education environment for students, having regard to the School's non-delegable duty of care in respect of students.

However, it is an over-reach for Government (and certain sub-sections of the Community) to expect Non-State Schools to apply the secular worldview adopted by the Government education sector. All Faith-based schools (irrespective of their religion) should be permitted to teach having regard to their particular statement of faith.

In our experience, our member schools are well regarded and supported by their parent community (as you would expect in circumstances where parents are choosing the school because of an alignment of values). Complaints within our member schools are rare and generally able to be addressed informally. Having regard to this, it is not surprising that enrolments within our member schools (and faith-based schools generally) have been rising in recent years.

Your final question regarding giving students a voice in how schools are run is somewhat simplistic. Whilst it is appropriate that students have a voice to make suggestions and raise concerns, it is problematic to suggest that students should have a “voice” in how a company is run (noting that schools are generally required to be Companies Limited by Guarantee under the Queensland legislation). A Company Limited by Guarantee is accountable to its membership, and it is these individuals that elect the Board, accept the Financial Reports and ultimately approve the strategic direction of the school. It is the Board of the company that carries the legal duties regarding the governance of the school. It is not appropriate (and also problematic) for Boards to delegate or abdicate this responsibility, whether that be to parents or students.

Additionally, in the context of a faith-based school, which exists as a ministry of the particular religious group, it is the adherents of that particular religious group that should have the ultimate “voice” in how a school is run (subject to the legitimate Government expectations set out above).

2. Protecting Students, Promoting Wellbeing

Our Member Schools take significant steps to protect students from harm and promote wellbeing. They do this primarily because of their care and concern for students (which is driven by the Christian faith of the school and staff). Of course, these expectations are also set by the common law Duty of Care, which cannot be delegated.

By way of example, some of the programs being funded and conducted by our member schools in the area of student welfare and wellbeing include:

- A program designed for Year 5 girls to educate them about topics such as understanding who they are, their uniqueness, their value and worth, health, friendships, and body image.
- A group for Year 6 boys run by a Chaplain and School Counsellor with the help of selected Year 11 boys. The aim of the program is to encourage the Year 6 boys to develop personally and relationally. Topics include being proactive, setting goals, building on strengths, celebrating being you, teamwork, and friendships.
- An 8-week program for small groups of students who have experienced significant changes or loss. The program uses the metaphor of the seasons to explore the process of loss and grief. The school invites students who have experienced significant changes to come to the program and sends a general invitation letter to parents.
- Care Hub - A webpage on the College’s website for parents and students to access devotions, Christian music/worship playlists/songs, kids’ activities to do at home, resources for families and students on relevant mental health, well-being, and parenting

topics. This page also has a link for families to notify the Pastoral Care team of any needs they may have. This page is regularly updated with relevant resources.

- Wellbeing precinct with counsellors and chaplains, who meet with students throughout each day to provide support and pastoral care, and often discuss issues from a faith perspective.
- Operation of a designated team which includes teaching staff and students, who meet with students at lunchtime for pastoral care, discussions on faith and general support.

All of our Member Schools take their child safety obligations seriously, and have clear Child Protections Policies and Procedures. These policies are published to all parents and students, and are the subject of regular training. These policies are, of course, a condition of registration as a Non-State School, and are reviewed by NSSAB at the time of a school's cyclical review.

In our submission, further regulation in this area is unnecessary, and a disappointing reflection on the important work already being undertaken by our member schools in this regard.

3. Setting the standards of education – Expectations of Schools

As we have already stated above, the important consideration here is the expectation of the local school community, that choose to enrol their child/ren at a school with shared values, beliefs and ethos. In this regard, we reiterate our earlier comments that faith-based schools must be allowed to continue to be an expression of their particular faith.

4. Accrediting Non-State Schools – expectations and improvements

In respect to your questions under this heading, we would contend that the existing cyclical review framework provides an adequate review framework. If there are significant concerns regarding an individual school failing to comply with its legislative obligations, NSSAB has sufficient existing powers to investigate and respond (including the ability to revoke a school's accreditation in accordance with the legislation).

With regards to the Governing Body of a school, the Boards of our Member Schools are predominantly skills-based, and draw upon AICD and ISQ (and equivalent) training and resources. Having regard to the increasing complexity of governing a school, a continued emphasis on skills-based boards is simply wise governance.

We also note that the Board Members of our member schools are not remunerated, and generally serve in a voluntary capacity. They are willing to do this, because they believe strongly in the mission, values and ethos of the school. It follows that NSSAB, when dealing with school boards, should recognize that they are dealing with volunteers, and provide adequate respect and encouragement. It is unfortunate that NSSAB often take a disciplinary approach with schools, and do not take a proactive approach of educating, equipping and encouraging Governing Boards in the performance of their duties.

5. Maintaining standards through monitoring and compliance

We reiterate our comments under point 4 above.

With respect to your question 19 (public reporting where a school's accreditation is being considered), we would urge caution in this regard. There should be no public reporting of NSSAB's interactions with a school until the matter has been determined, and any appeal options exhausted. The school's entitled to natural justice is an important consideration, and public reporting can have a disastrous impact on a school's finances and reputation. We fail to see how the public interest can outweigh the adverse impact in this regard (noting that parents have voluntarily chosen to enrol their children at the school, and can easily withdraw their children (without financial penalty) if they are dissatisfied with the actions of the school).

6. Striking the right regulatory balance

Schools report to us that NSSAB takes an overly bureaucratic approach in their dealings, through communicating only in writing, and communicating several times in relation to the one matter of concern or complaint. They also have difficulty in speaking with a person at NSSAB in relation to concerns raised, and as a result, find themselves needing to respond on multiple occasions.

Additionally, complaints made by disgruntled individuals to NSSAB has resulted in considerable expense in responding (including, for example, where NSSAB has appointed financial auditors to carry out lengthy investigations within the school over a period of several days, and required Board Members and senior staff of the school to be available during the investigation).

Whether NSSAB actually had a lawful basis for taking this action is open to dispute. Whether NSSAB should first provide a school with an opportunity to respond before taking this action (as would be expected when applying the principles of Natural Justice) is also a relevant consideration.

More importantly, however, is the realization that dealing with complaints informally (by contacting the school and seeking an initial response) will undoubtedly reduce the significant stress caused to volunteer Board Members and Staff Members by these investigations, and likely avoid the significant cost of these interventions. We would urge NSSAB to take a more sensible and proactive approach in dealing with schools, rather than the "complaints investigation" approach that it seems to have adopted in recent years.

7. The importance of powers

It is not clear to us what powers NSSAB are seeking (above their existing powers), and what justification it is giving for these additional powers.

In any event, we refer to our comments above. We see no need for NSSAB to have further powers, and consider the existing suite of powers to be satisfactory. Regulatory bodies will often seek greater powers from the legislature, but this should always be treated cautiously.

8. Good governance

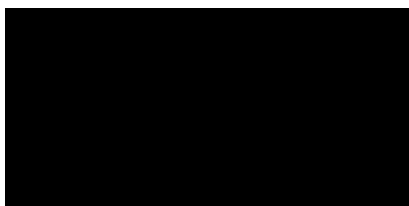
We consider it important that NSSAB continue to have representation that reflects the schools that make up the independent school sector. We are concerned that the Board is currently weighted too heavily in favour of representatives of the Minister and the Director General of Education, and insufficiently in favour of the Non-State Schools sector.

We would also recommend the Board include at least one person with recent experience as a Principal, given they would have an understanding of the current circumstances and pressures facing Non-State Schools.

It is unclear to us how conflicts of interest are managed by the Board, noting the various representatives hold positions more broadly within the education and government sectors.

We thank you for the opportunity to make this submission. If you have any queries regarding it, please contact [REDACTED].

Yours sincerely



Alistair Macpherson

Executive Director Public Policy and Advocacy
Associated Christian Schools

[REDACTED]

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Queensland Non-State Schools Accreditation Framework Review: Submission from Catholic Education Diocese of Cairns

Context of Submission

Catholic Education Diocese of Cairns is a dynamic and growing organisation that actively invites schools to co-create places of rich learning for now and into the 22nd Century.

Our vision is to offer every student in every school a world class education enriched by their lived encounter with the Catholic Faith.

Catholic Education Diocese of Cairns commits to this vision through Co-Leadership with schools to build communities of learning that provide safe, nurturing and academically challenging environments. Our schools are places where we create opportunities for every student and every staff member so that they are inspired to contribute to our society, to innovate, to explore possibilities and to achieve excellence.

Catholic Education Diocese of Cairns embraces thirty (30) schools including twenty (20) primary schools, two (2) Prep to Year 12 colleges and eight (8) secondary colleges. One of these colleges is a Special Assistance College with campuses in Cairns, Cooktown, and Edmonton.

All schools and colleges, except three, are within a two-hour drive of Cairns. Cooktown, Waibeni (Thursday Island) and Weipa are accessed by daily flights and located in some of the most beautiful parts of the country. In total, there are approximately 12000 students and 1500 staff.

Leadership and strategic management of Catholic Education in the Diocese of Cairns is the responsibility of the Executive Director of Catholic Education. Through a team of professionals, and in Co-Leadership with principals, the Executive Director manages and facilitates a number of significant delegations, which include:

- Support of the mission of the Church as delivered through Catholic Education.
- Support of schools by providing services that strengthen school capacity.
- Provision of leadership and forward planning to develop organisational capability.
- Distribution to schools of government allocated funds and their accountabilities.
- Monitoring quality of schools and compliance/accountability with requirements of governments, Church, and parents.
- Within limits, provision of some centralised, specialised student services, where this is the most effective and efficient approach.

Reflection on Questions Posed

1. Community Expectations of Schools

Catholic Education Diocese of Cairns (CEDC) oversees a flourishing network of schools within Far North Queensland. Rigorous governance structures, adhering to legislated, Church and community expectations are developed and implemented at a system level, ensuring that all schools within CEDC are aligned to the highest standards of growth and accountability. Community expectations of non-state schools are high, with non-state schools being held to higher levels of expectation and accountability than their state school counterparts. Parents value choice, and thus a quality and contemporary Catholic education alternative is essential. A rigorous, consistent and contemporary non-state schooling framework ensures that parents and carers who choose a Catholic education can be confident that the highest, transparent standards are in place to ensure the wellbeing, safety and education of all within the school community.

Community expectations include:

- Consistency of national and state educational standards.
- Transparency of governance structures and financial obligations.
- Compliance with teacher and leadership professional standards, registration and credentialling requirements and workforce obligations.
- Keeping pace with societal understanding of inclusive practices e.g. ensuring that students who identify as gender diverse have full access to education and support in the system in which they choose to enrol.
- Transparent and accessible policies and processes that have a direct impact on student enrolment, learning and wellbeing e.g. attendance, behaviour, exclusion.
- Explicit student improvement where students continue to grow and thrive.

Contemporary issues that need addressing:

- The balance between the distinct nature of the particular sector and the social understanding of the purpose of schooling i.e. How to balance the particular religious, cultural social contexts of sectors within the Mparntwe Education Declaration.
- Explicit consideration of, and provision for, avenues for student, family and community voice within the governance processes of schools.

Benefits of a rigorous and contemporary accreditation framework:

- Support for independent schools who operate outside of a non-government system with structures and processes to ensure that challenges are managed in a compliant and evidence informed way e.g. construction and implementation of risk management frameworks for smaller schools and systems.

Recommendation for growth:

- Greater clarity around the role, purpose and practices of NSSAB e.g. is the primary purpose of NSSAB to ensure consistent accreditation of schools, or is it a clearing house for complaints against schools?
- Explicit communication from NSSAB around its roles and how it operates.

2. Protecting Students, Promoting Wellbeing

Society holds schools to very high levels of accountability in the areas of student safety and wellbeing, and rightfully so. It is essential:

- These crucial areas are rigorously checked within any accreditation framework.



- A full student protection compliance audit is a mandated requirement of any accreditation process.
- The areas of student health and wellbeing are addressed.
- What reporting could be required to ensure that the health and wellbeing of sub-groups e.g. First Nations students, students with additional needs, students with mental health issues, are being addressed within schools?
- There is room for a positive, pro-active focus on student health and wellbeing.

3. Setting the Standards of Education - Expectations of Schools

To some extent, this has been addressed in question 1 and 2 above. However, from an accreditation and credentialing perspective, there should be no difference between the accreditation requirements and expectations of state and non-state schools.

4. Accrediting Non-State Schools – Expectations and Improvements

What is working well?

- Clarity around the accreditation criteria and ease of access to support.
- Consistency of approach.
- Accreditation process for the development of a new school.
- Ongoing processes of accreditation once a new school is established.

What could be improved?

- Length of notice given to schools/systems when an audit occurs and the inflexibility of external agencies undertaking these audits – e.g. audit of census date.
- Consistency of practices and following of established protocols of external agencies.
- There is a need for flexibility in the accreditation process. For example, a special assistance school for disengaged youth or young people engaged with the youth justice systems looks very different to a “regular” secondary school. While consistency of expectation is important, it is unrealistic to expect that the same curriculum be delivered in both contexts.

5. Maintaining Standards Through Monitoring and Compliance and

6. Striking the Right Regulatory Balance

The current approach works quite well. However, from the point of view of a system of schools, such as a Catholic education-based system of schools, it is very repetitive. Criteria around administration and governance, governance structures, suitability of a governing body, and a number of significant policies and processes such as complaints and student protection processes, for example, are mandated system wide approaches and processes, and the Catholic Education System ensures governance and compliance. There would be benefit in the Catholic Education System being accredited, with this accreditation automatically flowing on to individual schools. The contexts of individual schools are very important, and elements that need to be contextualised could then be audited by NSSAB to ensure full compliance.

7. The Importance of Powers and 8. Good Governance and

8. Good Governance

Community expectations of NSSAB are limited by the lack of awareness within the community of the role, purpose and powers of NSSAB. The critical role that NSSAB plays in ensuring good governance, consistency of practice and the maintenance of quality standards and expectations is overshadowed by the belief that NSSAB is a complaints body.

It is essential that there is clarification around the purpose and function of NSSAB, as there is a real danger of it being perceived by society as a complaints forum.

Conclusion

- Clarity, alignment and simplicity are the keys to congruence with community expectations of an accreditation body.
- It is time to move away from a “One size fits all” approach to school accreditation, as this does not meet the needs of special assistance schools, which may not be easily able to deliver the traditional Australian curriculum, for example. A different model of accreditation is needed for schools such as these.
- There is scope for a hybrid model of learning delivery, as highlighted through the “Learning from Home” era necessitated by Covid in 2020 and 2021. This should be recognised as a valid and viable alternative model.
- Changing approaches to student learning, the very real difficulty of attracting and retaining teachers, and the changing nature of technology and the use of Artificial Intelligence all signal the need for a refreshed view of what constitutes a school and learning.





REDWOOD
COLLEGE

Queensland Non-State Schools Accreditation Framework Review Submission

The Governing body of Redwood College provides the following submission to the review of the Queensland Non-State Schools Accreditation Framework

The Redwood College Board appreciates the opportunity to provide feedback regarding its experience to the reviewer, and looks forward to participating further in the review process.

Slabbert Pretorius
Board Chair



School profile

Redwood College is an independent, non-denominational Christian school, providing distance education to students from Preparatory Year to Year 10. The school is located in Burpengary and provides education to residents of Queensland.

Response to review Questions

Section 1. Community expectations of schools

1. Regulation of non-state schools is important to ensure the quality of non-state schools and consistent standards in education across the sector.
2. Issues that have been raised with Redwood College that shed light on community expectations for non-state schools relate to parents expectation and freedom to ensure that their children are educated within their religious framework, including but not limited to:
 - a. The delivery of curriculum using methodologies that ensure their worldview is represented in every subject
 - b. That their religious values are promoted through example and educational content
 - c. That Redwood College is able to choose school resources that reflect religious beliefs
3. Contemporary issues the Non-State Schools Accreditation Framework should address include each schools' rights to provide education promoting their specific community's worldview and beliefs using methodologies that do not promote discrimination against other communities, while implementing the Australian Curriculum. This should also address the right for parents to source education for their children that reflects their worldview and delivers education aligned to a philosophy of education and pedagogy that they prefer.
4. The Accreditation Framework can support a quality Queensland non-state schooling sector by focussing on student outcomes rather than methodologies or resources. This includes the establishment of broad standards that are able to be implemented and reviewed without restricting the individual school's ability to fulfil the needs of their constituents. Furthermore, the Accreditation Framework could provide a consultative process including recommendations to assist schools when the regulator has identified noncompliance.
5. A quality, contemporary Accreditation Framework can enable school communities, including students, to have a voice in how schools are run by requiring data driven feedback and analysis that preferences whole school student and parent feedback over parties with specific agendas



Section 2. Protecting students, promoting wellbeing

6. Redwood College believes the Accreditation Framework aligns with community expectations of non-state schools in relation to safeguarding students. However, the communities' understanding of the safety of school students in religious schools has been somewhat damaged by the misrepresentation of particular schools by sensationalist reporting and agenda driven special interest groups.
7. The Accreditation Framework should embed concepts of student health and wellbeing and set associated expectations of non-state schools by ensuring that schools have and implement appropriate policy and procedures that protect all students equally, and any breaches are investigated by impartial persons whose only agenda is to follow due process to ensure a safe environment.
8. Changes needed to better protect students and promote wellbeing include not allowing media to drive investigation, and when any concern/complaint is raised ensuring that all investigations and actions taken are proportionate to the number of and risk to the complainant(s) while considering the welfare of all students.

Section 3. Setting the standards of education – Expectations of schools

9. Community expectations of a quality, contemporary non-state schooling sector should be reflected in the Accreditation Framework by ensuring the school is producing graduates that can succeed in contemporary society. This should be based on data driven measurable outcomes, rather than individual opinion. The change required is one that focuses on student success data (the ability of the student to be successful in their chosen field). Wider community expectations should be focussed on the student's ability to succeed in society, while the quality and style through which the school delivers its education model should reflect the requirements of the community sector it serves.
10. The Accreditation Framework for non-state schools can be made sufficiently flexible to adapt to shifting community expectations for standards of education over time by basing its assessment on the principles of equity, quality, flexibility and fairness, and by taking into consideration the specific student cohort needs. By focussing on outcomes (as compared to inputs) rather than methods of delivery, this will allow the individual school to implement delivery methodologies that meet the needs of their cohorts rather than being required to meet rigid attributes of accreditation that do not reflect the cohort's expressed needs. For example, current distance education and day school attributes prevent schools developing more relevant and flexible education models of delivery in order to meet specific students needs.
11. Government funding eligibility criteria under the Act should align with the capacity of the school to produce productive members of society and the ability of the school to meet the appropriate Australian curriculum (or other approved curriculum) achievement standards.



Section 4. Accrediting non-state schools – expectations and improvements

12. Changes to the scope of the Accreditation Framework include a restriction to include only that which is explicitly legislated, and a requirement for the regulator to explicitly articulate its requirements during the process, together with examples of compliance. This would include explicit advice rather than broad statements open to multiple interpretations.
13. Changes could be made to the initial accreditation process to include better consultation processes by the regulator and more appropriate response timeframes.
14. Changes in an accredited school that should trigger a further application for accreditation include:
 - a) changes to the governing body. This should be limited to fit and proper persons.
 - b) addition of years of schooling, this should be limited to assessment of the additional requirements need to deliver additional grades.
 - c) location of the school, addition of sites and boarding facilities, this should be limited to the suitability of the site and resources required to implement curriculum
 - d) change of curriculum model, this should be limited to curriculum evaluation.
 - e) special assistance, this should be limited to resources required to deliver special assistanceChanges to mode of delivery should not trigger a further application. Change of attribute application responses should be limited to only the additional resources required for that change of attribute
15. The current requirements for suitability of a governing body meet the contemporary standards of education.
16. While the ongoing nature of the accreditation of non-state schools aligns with community expectations and contemporary accreditation principles, the associated timeframes and costs do not.
17. While the commencement of the Act in 2017 streamlined accreditation processes, the current system is still too slow to meet changing school requirements, for example the requirement to apply for a new site 6 months prior to commencing operation, makes establishing lease agreements very difficult.



Section 5. Maintaining standards through monitoring and compliance

18. The changes that are required to strengthen monitoring and compliance activities and enable a flexible, proactive and risk-based approach to regulation include the following:
 - a. Establishment of school risk profiles that are made available to the Governing Body of that school. The school should have the opportunity to contest their risk rating.
 - b. Regulatory guidance to schools should be far more consultative, proactive, and explicit, enabling the school to identify exactly the types of evidence they will be required to provide.
 - c. Regulatory decision-making processes should be made available to the public
19. Information should only be made publicly available when a final legal decision is made or there is a real risk to the safety of students or community. The potential damage to a school that is later found to be compliant is exacerbated by the length of time it takes to obtain a ruling from QCAT. Information regarding QCAT decisions overturning NSSAB rulings should also be made publicly available under the same conditions and using the same methodologies as information regarding the final decision regarding schools. This is also a matter of public interest and would engender greater confidence in the regulator
20. A significant increase in support should be provided to non-state schools to make sure they implement the accreditation requirements and uphold standards. This includes:
 - a. a consultative compliance process by the regulator, (both prior and post visit) designed to assist schools to identify exactly what evidence authorised persons will expect and accept as sufficient, and provision for consultation regarding the schools distinctives and how these can be maintained while providing suitable evidence.
 - b. regular information sessions by the regulator that include opportunity to clarify questions regarding interpretations and implementation of legislation, regulatory rulings and other matters
 - c. increased clarity and transparency around issues of noncompliance, including the provision of reasoning behind decisions and the provision of options and specific measurements and recommendations by which the school can become compliant.

Applications for new schools should include direct and ongoing communication and guidance from the regulator on how the school could meet regulatory requirements.
21. The transfer of responsibility for reviewing Board decisions from the Minister for Education to the Queensland Civil and Administrative Tribunal has impacted the sector as follows:
 - a. the Tribunal, while suitably independent from the minister and regulator has insufficient resources especially in relation to the other matters it deals with. We would recommend a specialist division of QCAT be established to deal specifically with reviewing board decisions and that same division be empowered to address related complaints regarding the regulator's activities.
 - b. The costs of contesting a decision at the tribunal are prohibitive for small schools, currently leading to schools choosing not to contest decisions as to do so may risk the school itself. This creates an inequitable environment where schools cannot access due process and therefore relinquish accreditation as a result.
 - c. Where QCAT decisions are in favour of the school, there should be a standardised process whereby schools can recover costs from the regulator



Section 6. Striking the right regulatory balance

22. Opportunities exist to streamline regulatory and administrative processes without compromising standards include:
- a. implementation of a consultation process between the regulator and schools both prior and post regulatory rulings, thus allowing the school to provide specific evidence of compliance to meet the regulators interpretation of the regulations. While the current process allows the school to respond prior to a removal of accreditation, the regulator does not enter into any real consultation process with the school, thus creating an adversarial process.
 - b. development of a consultative rather than adversarial process, designed to assist schools to operate in a compliant manner
23. Areas within the Accreditation Framework where regulatory and administrative processes should be strengthened to meet community expectations and uphold standards include:
- a. strengthening the requirement for the regulator to act in a transparent manner including:
 - i. the implementation of a public standard of service,
 - ii. a responsive complaints process,
 - iii. a requirement to respond directly regarding the compliance of documentation presented to the regulator under show cause or requests for further information letters
 - iv. processes to ensure compliance requirements are uniform and not driven by personal opinion, preferred approach or personal interpretation of legislation and regulations by the regulator or authorised persons. This can be facilitated by regular moderation between the regulator, authorised persons and peak body, the results of which are made publicly available.
 - b. cost effective and timely access to arbitration regarding compliance issues where the regulator chooses to implement a decision that does not have a clear legislative position

Redwood College believes there is a community expectation for the regulator to operate in a manner that not only provides a safe environment for students but also actively supports the school to maintain compliance.

Section 7. The importance of powers

24. The Board's current powers are sufficient to enable it to take strong and immediate action to maintain public confidence when concerns are raised.



Section 8. Good governance

25. Improvements that could be made to the Board's governance, decision making, administrative and operating arrangements to support a quality, contemporary non-state schooling sector in Queensland include:
- a. More transparent operation and decision-making processes
 - b. Annual review processes requiring input from non-state schools
 - c. Tighter and more appropriate timeframes for responses from the regulator, including a change to the legislative framework to make a non-response from the regulator within the stated timeframe, an acceptance of the school's application.

Community expectations of schools

Regulation of non-state schools is important because it ensures that all schools, regardless of their ownership structure, meet minimum standards of quality and safety for their students. This includes ensuring that non-state schools provide a curriculum that meets state requirements, employ qualified teachers, and maintain appropriate facilities and equipment.

As a small democratic and place-based school, we have had several discussions with our community regarding their expectations of non-state schools. Our community values schools that prioritise individualised learning, foster a sense of belonging and inclusivity, and provide opportunities for students to develop their own passions and interests.

The Framework can support a quality Queensland non-state schooling sector by providing clear guidelines and standards for schools to follow, as well as offering support and resources to help schools meet these standards. This can include providing professional development opportunities for teachers and administrators.

A quality, contemporary Framework can enable school communities, including students, to have a voice in how schools are run by involving them in the accreditation process. This can include seeking input from students and parents on what they value most in their school and using this feedback to inform the accreditation process. Additionally, the Framework can provide opportunities for schools to collaborate and share best practices, which can lead to a more innovative and responsive non-state school sector.

Protecting students, promoting wellbeing

As a small democratic and place-based school, Darlingia School Board prioritises the safety and wellbeing of our students. We believe that the Framework should align with community expectations of non-state schools in relation to safeguarding students. We support measures that ensure all staff and volunteers have appropriate working with children checks, are trained in child protection, and are held accountable for any inappropriate behaviour towards children.

We believe that the Framework should embed concepts of student health and wellbeing by setting clear expectations of non-state schools to provide a safe and supportive learning environment. This includes promoting positive mental health, physical activity, healthy eating habits, and supportive relationships. It is important that schools prioritise student wellbeing by implementing effective, child friendly policies, procedures and support services.

Setting the standards of education – expectations of schools

We believe that community expectations of a quality and contemporary non-state schooling sector should be reflected in the Framework by emphasising the importance of individualised learning, experiential/place-based education, and community involvement. Non-state schools should be held to high standards of academic excellence while also providing opportunities for students to explore their passions and engage with their local communities. We believe that changes are needed to ensure that the Framework recognises and supports the diverse approaches to education that non-state schools employ.

The Framework for non-state schools should be made sufficiently flexible to adapt to shifting community expectations for standards of education over time. This could be achieved by providing regular opportunities for community input and feedback on the Framework and encouraging schools to engage in ongoing self-evaluation and improvement. Additionally, the Framework should be regularly reviewed and updated to reflect changes in educational research and best practices.

Accrediting non-state schools – expectations and improvements

We believe that the Accreditation Framework should remain comprehensive and inclusive of all aspects of non-state schools that are relevant to the quality of education and the safety and wellbeing of students. However, we suggest that the scope could be reviewed periodically to ensure that it remains relevant to contemporary needs and priorities.

We suggest that the initial accreditation process should be more flexible and adaptable to the diversity of non-state schools. A one-size-fits-all approach may not be appropriate for schools with different sizes, structures, and educational philosophies. We also recommend that the process should prioritise collaboration, transparency, and consultation with schools to ensure a clear understanding of their unique circumstances and needs.

We believe that the current requirements for the suitability of a governing body are generally adequate. However, we recommend that the Framework should explicitly recognise the importance of democratic and participatory governance models, which are consistent with the values and principles of many non-state schools.

The reforms to the accreditation process introduced by the 2017 act have had mixed impact on the sector. While the streamlining of the processes has reduced administrative burden and costs, it has led to some concerns about the adequacy of the assessment of compliance and quality. We suggest that the impact of these changes should be monitored and evaluated regularly to ensure that the Framework remains fit for purpose.

Maintaining standards through monitoring and compliance

We believe that monitoring and compliance activities should be strengthened with a flexible, proactive, and risk-based approach to regulation. This approach should be tailored to the specific needs of individual schools and take into account factors such as the school's size, location, and demographics. We also recommend that the Board provide clear guidance on compliance expectations and work collaborative with auditors to ensure these requirements are met.

We understand the need for a balance between public interest and due process in making information available regarding a school's accreditation status. We believe that transparency is important but that the confidentiality of sensitive information should be respected. Therefore, we recommend that the Board make information publicly available only when it is necessary for the protection of students and the public interest.

To ensure that non-state schools are able to meet accreditation requirements and uphold standards, it is important to provide them with a sufficient level of support. This could include clear guidelines and transparent communication with auditors, as well as opportunities for schools to discuss compliance issues before a report is submitted to the NSSAB. The level of support required may differ for new schools compared to established schools.

The transfer of responsibility for reviewing Board decisions from the Minister for Education to the Queensland Civil and Administrative Tribunal has increased accountability and impartiality in decision-making. However, it is important to note that this process can be time-consuming and requires a strong understanding of legal procedures. As such, it has had an impact on the sector in terms of additional resources and time required to navigate the process.

IEUA-QNT SUBMISSION

15 May 2023

Submission: Independent Review of the Queensland Non-State Schools Accreditation Framework

The Independent Education Union – Queensland and Northern Territory Branch (IEUA-QNT) welcomes the opportunity to provide feedback regarding the Independent Review of the Queensland Non-State Schools Accreditation Framework (the Review).

About IEUA-QNT

IEUA-QNT represents ~17,000 teachers, support staff and ancillary staff in non-government education institutions in Queensland and the Northern Territory and consistently engages in industrial and education debate at both state and national levels through its Education and Industrial Committees and through its national counterpart, the Independent Education Union of Australia, which receives input from teachers in all States and Territories.

We note for the record that our Branch Secretary is presently an appointed independent member of the Non-State Schools Accreditation Board (the NSSAB or 'the Board').

Our submission is informed by our collective experience in working with members employed in a wide variety of roles within the non-government school sector.

Questions to Consider

Community expectations of schools

Q1. Why is regulation of non-state schools important?

Q2. What issues have been raised with your organisation that can shed light on community expectations for non-state schools?

Q3. What contemporary issues should the Non-State Schools Accreditation Framework seek to address?

Q4. How can the Accreditation Framework support a quality Queensland non-state schooling sector?

Q5. How can a quality, contemporary Accreditation Framework enable school communities, including students, to have a voice in how schools are run?

1. Regulation of non-state schools is essential to ensure compliance with community expectations in relation to provision of a quality curriculum, responsible governance and adequate and appropriate attention to student wellbeing.

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Submission: Review of the Qld NSS Accreditation Framework

2. Recent, high-profile examples of non-government schools seeking to discriminate against students from specific groups in society highlight the importance of a regulatory body, supported by strong and progressive legislation, including robust Anti-discrimination laws.
3. We would suggest that the capacity of the NSSAB to make meaningful interventions when schools do not meet the required standards is, however, constrained by the current legislative framework.
4. The current process by which an allegation of non-compliance is followed by a show-cause notice, with the capacity for an appeal to the Queensland Civil and Administrative Tribunal (QCAT), is less effective than is appropriate and necessary for institutions attended by children and young adults.
5. A capacity for more ready and immediate interventions into a situation where there is harm or potential harm to children is needed.
6. This intervention must be balanced with consideration of the interests of the bulk of students at a school. However, the capacity to issue a directive for immediate compliance should be within the authority of the NSSAB.
7. QCAT is not sufficiently resourced to deal with matters of school compliance and lacks the sector-specific knowledge and experience that resides in the NSSAB.
8. We recognise that conferral of the necessary powers upon the NSSAB would require legislative change.

Protecting students, promoting wellbeing

Q6. To what extent do you consider the Accreditation Framework aligns with community expectations of non-state schools in relation to safeguarding students?

Q7. In what way should the Accreditation Framework embed concepts of student health and wellbeing and set associated expectations of non-state schools?

Q8. Are there any changes needed to better protect students and promote wellbeing?

9. As noted above, the current legislative framework constrains the NSSAB in terms of its capacity to regulate the non-government sector and is largely silent on the matter of a school's obligations regarding student wellbeing, with the exception of child protection policy [1, 2].
10. Although we also note the expectation that all schools will have 'clear, transparent and accessible policies and procedures to address bullying and cyberbullying' [3, 4], we note that this has not been formally incorporated into legislation [1, 2, 5, 6].
11. While the Guiding Principles of the Education (General Provisions) Act [2] make reference to the provision of safe and supportive learning environments, and the Education (Accreditation of Non-State Schools) Regulation requires schools to have clear processes for reporting of student harm [6], there are no provisions that refer explicitly to wellbeing.

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12. We would suggest that any amendment to either the Education (Accreditation of Non-State Schools) Act [7], or the Education (General Provisions) Act [2], or their associated Regulations [6, 8] to include references to student wellbeing should also make specific reference to the rights of teachers and other school employees to a safe workplace.
13. While Parts 5 - 7 of the Education (General Provisions) Act [2] do allow State School principals to exclude students, parents or other community members who represent a risk to the safety of others, no similar provision exists for non-government schools.
14. We acknowledge that this is because non-government schools rely largely on enrolment agreements to establish acceptable behaviour of students, parents and other community members, but would suggest that legislative provision might be required to address growing levels of occupational violence experienced by teachers and school leaders in all schools [9-11].

Setting the standards of education – Expectations of Schools

Q9. How should community expectations of a quality, contemporary non-state schooling sector be reflected in the Accreditation Framework? Are any changes needed?

Q10. How can the Accreditation Framework for non-state schools be made sufficiently flexible to adapt to shifting community expectations for standards of education over time?

Q11. To what extent do the government funding eligibility criteria under the Act align with community expectations?

15. As noted above, while the NSSAB bears primary responsibility for regulating the non-government school sector, it currently lacks the power to impose a range of appropriate sanctions on non-compliant providers.
16. The current 'show cause' and suspension/withdrawal of accreditation are too narrow as options for NSSAB.
17. While the NSSAB's powers could be increased by legislative change, we would also argue that the Board should be resourced to undertake research and education functions parallel to those undertaken by the Queensland College of Teachers in relation to regulation and, in this instance, good governance, student wellbeing and the like.
18. It would, for example, be useful if the Board could refer applicants to governance guidebooks, codes of conduct and similar documents to educate those seeking to establish and run non-government schools.
19. Such resources would have particular utility for those seeking to establish smaller, independent (rather than systemic) schools.
20. The development of advisories would also provide a pre-emptive opportunity to make it clear to those who wish to establish a non-government school that practices in faith-based

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schools and those founded on particular educational philosophy regulated by NSSAB should reflect community standards and expectations. This is particularly the case when such organisations are in receipt of public funds.

21. Examples of similar resources can currently be obtained from peak bodies such as Independent Schools Queensland, but we note that these are available to member schools only and lack the degree of authority that would be provided by the NSSAB.
22. Once developed, guidelines could be updated as needed in response to changes in community expectations, without requirement for further legislative change.

Accrediting non-state schools – expectations and improvements

Q12. What, if any, changes are required to the scope of the Accreditation Framework?

Q13. What, if any, changes could be made to the initial accreditation process to make sure a quality, contemporary non-state schooling sector is maintained?

Q14. What changes in an accredited school should trigger a further application for accreditation? To what extent should this process differ from a full application?

Q15. To what extent do the current requirements for suitability of a governing body meet contemporary standards of education?

Q16. How does the ongoing nature of the accreditation of non-state schools align with community expectations and contemporary accreditation principles?

Q17. Commencement of the Act in 2017 streamlined accreditation processes. What, if any, impact have these changes had for the sector?

23. As noted above, we would argue that there is a need to reposition the NSSAB as a provider of research and education for those seeking to establish and run non-government schools and to enhance the capacity of the Board to impose meaningful and appropriate sanctions on those who do not meet the required standards in relation to governance, curriculum and student and staff safety.

24. To effectively meet the regulatory needs, it is essential that the Board's composition includes a representative from an expanded legislated group, including the IEUA-QNT.

25. As the union representing teachers and support staff in non-government schools, we are a key stakeholder within the sector. Our presence on the Board is essential to ensure a balance of perspectives and should be mandated through amendment of Chapter 4 of the Act [7].

Maintaining standards through monitoring and compliance

Q18. What, if any changes are required to strengthen monitoring and compliance activities and enable a flexible, proactive, and risk-based approach to regulation?

Q19. To what extent should information be made publicly available where a school's existing accreditation is being considered, noting the need to strike a balance between public interest and due process?

Submission: Review of the Qld NSS Accreditation Framework

Q20. What level of support should be provided to non-state schools to make sure they implement the accreditation requirements and uphold standards? Should this approach differ for new schools?

Q21. Commencement of the Act in 2017 transferred responsibility for reviewing Board decisions from the Minister for Education to the Queensland Civil and Administrative Tribunal. What, if any, impact have these changes had for the sector?

26. As noted above, our union is in favour of changes that would see the NSSAB take on an educative role within the sector.

27. The transfer of responsibility for reviewing Board decisions from the Minister to QCAT may have served a purpose of independent review of Board decision. However, in practice, this has resulted in a situation where, rather than confirming or rejecting the NSSAB decision the QCAT effectively engages in a process of negotiation with alleged non-compliant schools to amend the practices subject to the NSSAB decision. A determination on the NSSAB decision is not made; rather an outcome negotiated,

28. It is now appropriate for the NSSAB to be legislated the power to impose meaningful sanctions on non-compliant schools with immediate effect.

29. The QCAT for its part needs to be legislated/directed to review the actual decision made and not engage in a process of negotiation of an outcome.

30. The required change could be implemented in a manner that ensures protection of public interest and, if the NSSAB were also resourced to meet the educative need within the sector, this would enhance support provided to schools.

Striking the right regulatory balance

Q22. What, if any, opportunities exist to streamline regulatory and administrative processes, without compromising standards?

Q23. Are there any areas within the Accreditation Framework where regulatory and administrative processes should be strengthened to meet community expectations and uphold standards?

31. As noted above, there is a clear opportunity to streamline regulatory and administrative processes by providing the NSSAB with the capacity to impose sanctions requiring immediate action on non-compliant schools. Negotiation of compliance should not involve QCAT. The role of QCAT should be to confirm or overturn the NSSAB decision.

32. If the NSSAB also provided with the additional resourcing required to develop educative guidelines around governance, and other components of compliance, it would be well positioned to serve as an effective and efficient regulatory authority.

Submission: Review of the Qld NSS Accreditation Framework

The importance of powers

Q24. Are the Board's current powers sufficient to enable it to take strong and immediate action to maintain public confidence when concerns are raised? If not, what areas should be strengthened?

33. As noted above, we would suggest that the efficacy of the NSSAB would be greatly enhanced by an additional level of resourcing that would enable it to develop guidelines and practice notes around governance and other compliance matters, and to impose sanctions requiring immediate action on non-compliant schools.

34. Granting the NSSAB the power to impose sanctions requiring immediate action would clarify the process and enable greater public understanding of how complaints regarding compliance are dealt with.

Good governance

Q25. What improvements could be made to the Board's governance, decision making, administrative and operating arrangements to support a quality, contemporary non-state schooling sector in Queensland?

35. As noted above, we recommend a streamlining of administrative and decision-making processes to ensure that the NSSAB is able to deal effectively with issues of non-compliance in its own right.

36. We would also suggest that the need for the NSSAB to apply sanctions could be moderated by an investment in staffing and resourcing that would allow the Board to develop guidelines and other educational materials for those seeking to establish/maintain a non-government schools.

Concluding Comments

IEUA-QNT thanks the Independent Review of the Queensland Non-State Schools Accreditation Framework for the opportunity to provide feedback regarding the regulatory framework for the non-government school sector.

As noted above, we would suggest that there are three key areas for reform:

- 1) Resourcing the NSSAB to include a research and education role, with the goal of improving understanding of processes and procedures among those seeking to establish and run non-government schools
- 2) Legislating a capacity for the Board to impose sanctions requiring immediate action on non-compliant schools through replacement of the existing QCAT-mediated process and
- 3) Establishment, through legislation, of permanent union (IEU-QNT) representation on the NSSAB.

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Submission: Review of the Qld NSS Accreditation Framework

We would welcome the opportunity to discuss these matters in further detail, as the review proceeds.



Terry Burke
Branch Secretary
Independent Education Union of Australia -Queensland and Northern Territory Branch
Monday 15 May 2023

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Queensland Non-State Schools Accreditation Framework Review: Submission

Dr Matt Hawkins
Director and CEO
EREA Flexible Schools Ltd
[REDACTED]

Our Context

EREA Flexible Schools Ltd is a company limited by guarantee established by the Member (EREA Ltd) to lead Flexible Schools and Special Schools in all states and territories except Victoria. EREA Flexible Schools Ltd is responsible for the strategic direction, financial management and legal obligations of each school. Strict line-of-sight governance arrangements must be in place.

EREA Flexible Schools Ltd is a new organisation, having formally come into effect on 1 January 2023. As such, 2023 is a time of transition and establishment, with a need to develop new teams, structures, processes and systems.

Edmund Rice Education Australia (EREA) Flexible Schools Ltd currently educates over 2,000 young people in 21 Flexible Learning Schools (12 based in Queensland and 9 other schools across Australia) and two Special Education Services Schools in Sydney. Flexible schools serve young people who experience complex educational, social or psychological situations which demand unique responses. They enable young people to engage in education in a supported learning environment through a methodology based on trauma informed practice, in which the principles of operation (Honesty, Respect, Participation, Safe & Legal) are embedded.

There are fourteen EREA Flexible Schools in Queensland:

- Albert Park Flexible Learning Centre
- The Centre Education Programme
- Deception Bay Flexible Learning Centre
- Gympie Flexible Learning Centre
- Hemmant Flexible Learning Centre
- Inala Flexible Learning Centre
- Ipswich Flexible Learning Centre
- Mount Isa Flexible Learning Centre



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- Noosa Flexible Learning Centre
- Rockhampton Flexible Learning Centre
- Southport Flexible Learning Centre
- Townsville Flexible Learning Centre
 - Bowen Campus
 - Burdekin Campus

1. Community Expectations of Schools

EREA Flexible Schools Ltd believes in a strong and clear regulation environment, particularly for Special Assistance Schools such as ours. Indeed, we believe Special Assistance Schools, which by definition cater for young people with complex needs, must be held to the highest accountability measures because our young people deserve the very best education and opportunities possible.

There is no doubt that Special Assistance Schools are unique in the Queensland education sector, and hence require a nuanced accreditation framework and process. This does not and cannot mean any form of “watered down” framework, merely one which reflects our unique context. More strategic thought and planning is required in order to clearly define some success indicators for Special Assistance Schools.

For example, it is our view that educational outcomes for young people who attend our schools could be more effectively defined, assessed, quantified, tracked and reported to government and other key stakeholders.

Our schools have historically been very grateful for the approach and manner in which NSSAB have engaged with us, and we greatly look forward to playing a part in further enhancing any framework which helps our schools provide the best possible educational experience for our students.

2. Protecting Students, Promoting Wellbeing

Safeguarding of young people is at the heart of our processes and practice in EREA Flexible Schools, and in fact, we are now resourcing this area even further under our new governance structures. As such, we would welcome an opportunity to have a voice in the way all schools are assessed and monitored in relation to protecting students and promoting wellbeing in any new accreditation framework.

We believe that the current NSSAB checklist provided to schools regarding safeguarding lacks some clarity which can lead to a lack of shared understanding of expectations. Once again, we see an opportunity for processes to be nuanced for the SAS space.

3. Setting the Standards of Education – Expectations of Schools

EREA Flexible Schools cater for a large cohort of previously disengaged young people. Many of our students have missed years of formalised education and as such find themselves well behind their peers academically. Our schools work hard to engage young people, assess their needs, then provide a highly individualised curriculum to assist them achieving their educational and post-school goals.

The current educational environment unfortunately does not effectively support this approach to schooling. The educational and academic outcomes of students who attend Special Assistance Schools should absolutely be assessed and monitored; however, we believe that this could be reimagined by regulators around the country. For example, we see that greater emphasis could be placed on the general capabilities of the Australian Curriculum, and less on some of the more prescriptive factors including the number of hours devoted to specific learning areas. There appears to be a lack of clarity in legislation and regulation regarding KLA teaching requirements, and this can be unhelpful in SAS accreditation processes. Once again, we do not desire a less stringent approach, merely a more nuanced and contextually appropriate one.

4. Accrediting Non-State Schools – Expectations and Improvements

EREA Flexible Schools are grateful for the approach taken by NSSAB in the accreditation of our schools. Our experience is that once a review process commences, there has been a strong willingness for NSSAB to more fully understand our model. It would be helpful if the process was established to more effectively cater for Special Assistance Schools from the outset, rather than relying upon an openness of reviewers during the process.

In the initial accreditation phase, more clarity is requested in the requirements of a new Special Assistance School. More contextually appropriate checklists and expectations would be of great assistance.

In terms of the changes necessary to trigger further accreditation applications, this also requires further review. The current formula does not allow more nuanced approaches to this, with a recent obvious example surrounding a change of use of a building, which in a SAS context may be very broad, requiring maximum flexibility and adaptability. Certainly, these processes could and should differ significantly from full accreditation processes, allowing for far greater efficiencies at school, governance and NSSAB levels.

We strongly support a rigorous assessment of suitable governing bodies, particularly in the SAS context, which due to increased funding, inherently risks the overall standard of this sector of schooling as a greater number of providers emerge. We would welcome an opportunity to further contribute to this discussion.

5. Maintaining Standards Through Monitoring and Compliance

Once again, EREA Flexible Schools Ltd would advocate for a more specific and nuanced approach to monitoring and compliance processes for Special Assistance Schools. Our schools would benefit from a specialised support person/team within NSSAB with a focus on the SAS educational space. This would allow a more open and proactive approach between systems and regulators to ensure best practice in compliance. Special Assistance Schools inherently operate in a different risk environment to the majority of schools, hence more specialised monitoring and compliance processes are required to ensure standards are maintained. In the context of a more contextually appropriate framework for Special Assistance Schools, we would welcome a very open and transparent accreditation process in terms of public access to information.

6. Striking the Right Regulatory Balance

We believe that with a new approach to accreditation for Special Assistance Schools, designed and developed through consultation and collaboration with the SAS sector, numerous avenues for streamlining will emerge, while not just maintaining current standards, but strengthening them.

As previously stated, we believe the current SAS context in Queensland requires close and careful monitoring, particularly in the area of governance, as new entities and schools emerge.

7. The Importance of Powers

EREA Flexible Schools Ltd strongly supports a regulatory body in Queensland with significant powers to monitor, assess and determine the accreditation eligibility of non-state schools. In order for this to be a level playing field however, a reimagined approach to Special Assistance Schools is encouraged. Simply, any regulatory processes which assist our schools to provide the safest, high quality educational experience for our students possible, are very welcome.

8. Good Governance

EREA Flexible Schools Ltd appreciates the regulatory oversight of NSSAB. Our view is that all schools have an imperative responsibility to cater for the needs of a contemporary cohort of young people. While there is a baseline that we believe every school should meet, we contend that further thought and planning be devoted to the complex Special Assistance Schools context.

Conclusion

EREA Flexible Schools Ltd appreciates the opportunity to contribute to this timely and important Queensland Non-State School Accreditation Framework Review. We would warmly welcome any opportunity to make further contributions to this work.

Submission to the independent review of Queensland's Non-State Schools Accreditation Framework

Community expectations of schools

Why is regulation of non-state schools important?

Strong and independent regulation by an Accreditation Framework is needed to help promote accountability and consistency in the quality of education and treatment of students and families across Queensland.

As the Mparntwe Declaration states, education has the power to transform lives. Children's access to education is critical as it supports them to realise their potential by providing skills they need to participate in society and contributes to every aspect of their wellbeing. All Queensland families and their children should have access to a high-quality education which supports them to reach their full potential regardless of their enrolment in either the non-state or state school systems. Continued regulation of the non-state sector is important to maintain consistent standards and promote accountability for providing quality education for Queensland students who attend these schools.

School choice is important to Queensland children and families as evidenced by the numbers of children educated across the state and non-state sectors. In 2022, over 299,000 students, or approximately one-third of Queensland students attend a non-state school, and more Queensland families are choosing to enrol their children at non-state schools with enrolments increasing over the previous 12 months at a rate of 2.4 per cent. This reflects a nation-wide trend of enrolment growth in non-state schools over the past five years.²

Similarly, data published by the Australian Curriculum, Assessment and Reporting Authority shows that in the period from 2006 to 2021, the proportion of enrolments in Queensland's independent schools has increased, from 13.5 per cent to 16.2 per cent, while the proportion of enrolments in the state school sector has gradually declined from 69.3 to 65.8.³

Non-state schools represent different educational philosophies and religious and other organisational affiliations, reflecting the increasing diversity of Queensland's population. While the choice provided by the non-state school sector is a key benefit for Queensland's community, it is also important that every school is held accountable for delivering services that support and promote students to develop the skills they will need for life after school. The quality of a child's education should not be limited by where the student lives or the school they attend. When families choose a non-state school, they should feel confident that their child will have access to a high-quality education which recognises and meets their individual needs and know their

² Australian Bureau of Statistics. (2022). *Schools*, <https://www.abs.gov.au/statistics/people/education/schools/latest-release>

³ National Report on Schooling data portal <https://www.acara.edu.au/reporting/national-report-on-schooling-in-australia/national-report-on-schooling-in-australia-data-portal/student-numbers>



child's safety and wellbeing is supported. Parents and families should also have relevant and accurate information about schools to inform their decision making for their children.

What contemporary issues should the Non-State Schools Accreditation Framework seek to address?

School disciplinary absences

For students attending Queensland's state schools, Chapter 12 of the *Education (General Provisions) Act 2006* (EGPA) provides a transparent and detailed legislative framework for the use of student disciplinary absences and outlines the roles of principals and the chief executive, including definitions, responsibilities, powers, decision making processes, and rights to internal and external review and appeal for parents and students. This framework is further strengthened by comprehensive publicly available procedural guidance setting out key principles and requirements including, that suspensions, exclusions and enrolment cancellations should only be used as a last resort and expectations for schools to publish a code of conduct, developed with the school community to set transparent expectations.

The use of exclusionary school discipline in state schools is also regularly monitored and reported on, enabling public scrutiny and promoting accountability.

The current Accreditation Framework for non-state schools does not specify a similar framework; these decisions are developed by individual schools or governing bodies with limited systemic oversight or public reporting about their use. Further, there is limited transparent monitoring or reporting of the use of exclusionary school discipline across non-state schools.

Without guiding principles and a consistent approach which is monitored and reported on, it is difficult to know if the use of exclusionary school discipline in non-state schools is negatively impacting on students and for the community and relevant government agencies to hold the non-state school sector accountable for localised or state-wide issues.

As you would be aware, there is concern about recent trends in the use of exclusionary school discipline in state schools, in particular the disproportionate use among students with disability and Aboriginal and Torres Strait Islander students.⁴ Similar concerns have also been raised in other states.⁵ ⁶When a child is suspended or excluded from school, not only is their access to education limited, they also lose access to the social and health supports schools offer. Directly and indirectly, schools provide for the welfare of children; school staff are uniquely placed to identify children who may need to be referred for further support. Some children who are

⁴ QAI and ATSILS ' 2022 <https://qai.org.au/qai-and-atsils-call-for-inquiry-into-school-disciplinary-absences/> *QAI and ATSILS call for inquiry into school disciplinary absences*

⁵ Graham L. et al. (2020) *The report of an independent inquiry into suspensions, exclusions and expulsions in South Australian government schools* (education.sa.gov.au)

⁶ Graham, L., Killingly, C., Laurens, K. R., & Sweller, N. (2021). *Suspensions and expulsions could set our most vulnerable kids on a path to school drop-out, drug use and crime*. The Conversation.



suspended and excluded from school may lose what might otherwise be their only accessible support network.⁷

All Queensland children have a right to access education and every effort should be made to maximise the time that a child is engaged with education. The QFCC shares concerns raised by Queensland researchers and advocates about the potential impacts of exclusionary discipline in schools.⁸ This response to behaviour can have multiple negative impacts on students, particularly if they are already educationally disadvantaged, and can lead to lower levels of engagement, academic achievement and sense of belonging to the school. Further, there is also evidence about the ineffectiveness of punishing students for behaviour related to trauma, disability or distress. Over reliance on punitive, exclusionary discipline means that the focus and blame fall on individual students and removes accountability from the school and the education system to be proactive in responding and managing student behaviour.⁹

Commencement of Human Rights Act 2019

Protections under the *Human Rights Act 2019* are available to students at universities and state schools in Queensland, in particular the right to education and the right to equality. The protections of the *Human Rights Act 2019* do not extend to students and families who chose to attend Queensland's non-state schools. Whilst there are reasons why this was the case, these reasons should not create, or give rise to circumstances where children in non-state schools do not have enjoyment of their rights. A rights-based approach should inform development of a contemporary Accreditation Framework for non-state schools. This would help to ensure that all Queensland students, regardless of the school they attend, have access to a consistent approach that protects and promotes their rights in all decisions and decision making.

How can a quality, contemporary Accreditation Framework enable school communities, including students, to have a voice in how schools are run?

The Mparntwe Declaration acknowledges that parents, carers and families are the first and most important educational influence in a child's life. It committed all Australian States to actions to value and build partnerships with families to support students. Evidence demonstrates that when parents and families are engaged in their children's learning there are positive impacts on student achievement and wellbeing outcomes.¹⁰

Further, one of the five key elements of the Australian Student Wellbeing Framework,¹¹ endorsed by all Ministers of Education through the Education Council is Student Voice: for

⁷ Graham, L. (2020) *Questioning the impacts of legislative change on the use of exclusionary discipline in the context of broader system reforms; a Queensland case study*; International Journal of Inclusive Education, 24:14, 1473-149

⁸ QAI and ATSILS '2022 *QAI and ATSILS call for Inquiry into school disciplinary absences* <https://qai.org.au/qai-and-atsils-call-for-inquiry-into-school-disciplinary-absences/>

⁹ Graham, L. J., Killingly, C., Laurens, K. R., & Sweller, N. (2022). *Overrepresentation of Indigenous students in school suspension, exclusion, and enrolment cancellation in Queensland: is there a case for systemic inclusive school reform?* The Australian Educational Researcher, 1-35

¹⁰ Barker, B., & Harris, D. (2020). Parent and Family Engagement: An Implementation Guide for School Communities. Canberra: ARACY, retrieved from: <https://www.aracy.org.au/documents/item/647>

¹¹ *Student Resilience and Wellbeing Resources - Department of Education, Australian Government*



students to be active participants in their own learning. Schools should encourage and support students to participate in decision making in matters that affect them and to actively engage students to foster a sense of connectedness. Students' involvement and meaningful participation in decision making promotes student belonging, engagement at school and positive, inclusive school culture. Feeling heard and valued are key to social and emotional wellbeing.

Section 7 of the EGPA outlines several guiding principles for the Act, including student participation. Explicit inclusion of similar principles in the non-state school legislative and regulatory framework could help to articulate important outcomes such as meaningful student and family participation.

Students attending state schools also have access and recourse through internal complaints processes within a local school, the school region and central office as well as several external avenues. Associated procedures and expectations are also publicly available. Students and families attending non-state schools should also have appropriately resourced, independent complaints processes, in particular processes which are independent to the school and easy for students and families to access. The Accreditation Framework could include guiding principles for all non-state schools to promote and ensure the availability and accessibility of a complaint response options to students and their families, including both within schools and external to the school. Complaints should also be monitored to identify trends and issues within the sector and schools.

The non-state school community, including parents and students may make complaints to the Non-State School Accreditation Board (NSSAB), however we consider that available resources and publicly available guidance does not adopt youth-friendly language and is not easily accessible online. The review team should consider how the NSSAB could be enabled to undertake an active independent complaints function for non-state schools.

Protecting students, promoting wellbeing

Student wellbeing

Contemporary understanding child welfare and safety has changed significantly over the past decade. The National Principles for Child Safe Organisations includes a range of measures and principles to keep children safe and go beyond reporting abuse, including for example complaints, staff training, participation of children and their families and young people, physical and on-line safety and wellbeing.

Student welfare, as it is currently outlined in Queensland's non-state school legislation and regulation may have a significant influence on how non-state schools interpret their responsibilities and approach to promoting student protection and wellbeing.

The current regulation reflects safeguarding in accordance with reporting requirements established under the *Child Protection Act 1999*. A contemporary Accreditation Framework should include expectations and standards, which align with the National Principles for Child Safe Organisations. The research, insights and evidence which led to development of the National Principles for Child Safe Organisations confirmed that more than a singular, narrow focus on reporting harm and abuse is needed to promote the safety of students.



The meaning and significance of children's social and emotional wellbeing is also rapidly developing, and the important role of schools in students' wellbeing is being increasingly recognised by government, especially following the disruption caused to education by the COVID-19 pandemic. In particular, students who are at risk of educational disadvantage including students who are in out of home care, have a disability or experience mental health issues need to have access to programs which support and promote their wellbeing.^{12, 13}

The National Student Wellbeing Framework and the National Student Wellbeing Program demonstrate widespread community acknowledgement and importance of improving student wellbeing, as do the growing range of wellbeing programs funded by the Queensland state government. The 130 education leaders, experts and stakeholders, who attended the recent National Public Wellbeing Summit in February 2023 identified five key priority focus areas (see below in Figure 1) to improve student wellbeing in schools and developed related recommendations to inform the work of the National Student Wellbeing Project Working Group.



Figure 1. National Summit Report Wellbeing in Public Schools

The QFCC encloses the National Summit Report Wellbeing in Public Schools with this submission.

Suicide postvention

Suicide is a leading cause of death among 15-17 year olds.¹⁴ The QFCC monitors data on youth suicides in Queensland and advocates for preventative activities. Following the suicide of a child in Queensland, the QFCC notifies the Department of Education, enabling the Department to share information with relevant state school communities to enact postvention responses. The Child Death Review Board recommended in its 2020-21 annual report that QFCC extend this process to include students attending non-state schools, so that all Queensland students have access to appropriate supports and programs following peer suicides regardless of what school they attend. While schools may often already be aware of student suicides, it is important that

¹²<https://studentwellbeinghub.edu.au/>

¹³ <https://education.qld.gov.au/students/student-health-safety-wellbeing/student-wellbeing>

¹⁴ Queensland Family and Child Commission 2022, Annual Report: Deaths of children and young people in Queensland 2021-22, <https://www.qfcc.qld.gov.au/sites/default/files/2022-11/QFCC%20Annual%20Report%20Deaths%20children%20young%20people%20Queensland%202021%E2%80%9322.pdf>



schools have access to accurate information and resources to ensure immediate and appropriate support is provided to students, staff and school communities who may be affected.

While the QFCC is continuing to engage with the non-state school sectors to determine the feasibility of the Child Death Review Board's recommendation, the review of the Accreditation Framework provides a timely opportunity to consider the effectiveness of current school-based postvention responses.





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11 May 2023

Queensland Non-State Schools Accreditation Framework Review

Dear Ms Vardon,

My name is Christine Harman and I am the Principal of Sinai College, one of the smallest schools in Queensland. With a student enrolment fluctuating between 20 and 40 students, and a teaching staff of only 4, my school proudly upholds the same accreditation standards as the big schools, overflowing with resources. Prior to my commencement at Sinai College, I was the Principal of the Australian International Islamic College, a school of over 1200 students, 3 campuses and a staff of close to 150. With my experience, I believe we I am in a unique position to present my submission on the NSSAB Accreditation framework, and it's impact on me, my school and my broader community.

Community expectations of schools

This section asks for your organisation's view on: current community expectations of the non-state school sector; what a quality and contemporary non-state school means to your organisation; and how the Accreditation Framework can support this.

This section aligns with Term of Reference (e).

Questions to consider:

1. Why is regulation of non-state school important?

Regulation of Non-state schools is essential to ensure that parents, the community and government agencies can maintain confidence in the sector. A parent should know, with absolute confidence, that any school they choose to send their child to meets the requirements of being a school. Similarly, with regulation of non-state schools comes a degree of transferability, meaning that a child can transfer from one school to another with a reasonable degree of confidence that they have met a similar standard of achievement as their peers

Caring for their future, today.

2. What issues have been raised with your organisation that can shed light on community expectations for non-state schools

Within my community, and in my dealings with my previous community it is clear that parents expect high standards, and comparable standards between schools. They want to know that my school has the same standard of academic rigor and coverage, for example, as the Catholic school up the road. What I also hear, consistently from families is that they want their school to be *Independent*- that is, they want the freedom to choose a school that is right for them and their child. In my case, this is a school that is run in a specific religious ethos.

3. What contemporary issues should the Non-State Schools Accreditation Framework seek to address?

It is timely to reflect on the latest changes to the ACARA curriculum, specifically the inclusion of First nations priorities, and the teaching of consent and respectful relationships. I think we can all agree that this is reflective of the priorities in our nation and should be part of the Accreditation framework.

I feel it is important that NSSAB look at the lessons learnt from the COVID pandemic, and to revisit the notion of students learning remotely. At present there is no provision for remote learning, unless registered as a Distance Ed school. However, nearly all schools would benefit from being able to enter into arrangements with children for *partial* remote learning. The best application I can see for this are our children who suffer from Social and Emotional disabilities, or those who compete in elite sports. These children could elect to learn remotely, being connected to their class via a video link or Teams for up to 3 days/week. This would be a big step forward and in line with current community expectations.

Whilst not a contemporary issue, it is pertinent that NSSAB be sensitive to, and understanding of the challenges faced by small, community and/or faith based schools. Unlike the larger, or systems school, small schools such as mine have a very small and very niche community from which to draw student enrolments, and from where my community involvement comes. My community are often first or second generation Australians which impacts on the composition of my governing body, and therefore their understanding and experience with compliance and legislative requirements. Being understanding of these challenges does not mean that small schools can be non-compliant; rather, that there is a shared understanding that there are unique challenges faced by small community schools.

4. How can the Accreditation Framework support a quality Queensland non-state schooling sector?

The Accreditation framework must reflect the standards and expectations of the broader Australian community in relation to what we expect from all schools. At present, the framework **does not support** the non-state sector, rather it holds the non-state sector to account. Further, if you are a niche, and target-market school within the non-state sector, in other words, you aren't one of the big 3, there seems to be a perception that you are automatically non-compliant, or trying to be. This undertone does little to build up and support the non-state sector; rather, it creates an environment of hostility and doubt which is not healthy.

Moving forward, in order to truly support the non-state sector, there needs to be a provision that allows for guidance and support, genuinely, from the Accreditation framework. A school who finds that they may be non-compliant, or wanting to make a change and would like assistance in ensuring they remain compliant, should feel comfortable in asking for assistance, resources or guidance without fear of retribution.

In order to achieve this support for the non-state sector, I would advise setting up an arm of NSSAB that acts as advisors, separate from, but informed by the regulatory body. This would encourage genuine collaboration and proactive help-seeking in the very industry that tries to teach this skill set to our children.

5. How can a quality, contemporary Accreditation Framework enable school communities, including students, to have a voice in how schools are run?

The key to ensuring school communities have a voice in how schools are run is by ensuring there is flexibility and transparency in governance. Parents, students and the school community should know and understand how school governing bodies are put together, and how they can get involved.

Parent surveys should be expanded to include student and staff surveys, and this data should be readily available. I would like to see satisfaction surveys published in annual reports.

Protecting students, promoting wellbeing

This section asks for your views on how to make sure students are safe at school and how schools can foster positive wellbeing. We are interested in gaining an understanding of what these concepts mean to you and how these should be embedded into a contemporary Accreditation Framework.

This section aligns with Term of Reference (d), (e) and (f).

Questions to consider:

6. To what extent do you consider the Accreditation Framework aligns with community expectations of non-state schools in relation to safeguarding students?

I believe the Accreditation framework does align with what the community expects of schools, particularly around matters of Child Protection and the delivery of a quality educational program. I think the inclusion of consent education in the new V9 further strengthens this.

7. In what way should the Accreditation Framework embed concepts of student health and wellbeing and set associated expectations of non-state schools?

I firmly believe the Accreditation Framework could be strengthened by looking at not only whether a school has in place a Child Protection and Risk Management strategy, but also including the expectation that schools proactively teach health and wellbeing. This may be enacted by including a yearly plan of activities (Day for Daniel, Harmony day activities) or by schools listing their health and wellbeing programs that are separate from the curriculum.

8. Are there any changes needed to better protect students and promote wellbeing?

One recommendation I would make to further promote and protect children would be an expansion of the expectations within the Child Protection Policies and Child Risk Management Strategies to include a “critical incident response plan”.

As the Deputy principal of a Special Assistance School, I learnt very quickly how essential a Critical Incident Response plan was, when we had a student attempt suicide. At the time, a plan did not exist and therefore our response was reactive and slow. This undoubtedly led to student trauma. Following this, we wrote and implemented a “Critical Incident response Plan” and, sadly, the following year when a school community member died tragically, we were in a much better position to respond and to provide support. The outcome for students was far better in this instance.

The planning involved in creating a Critical Incident Response Plan already puts student wellbeing at the forefront of mind, and the enacting of the plan means that in a time of crisis, student wellbeing is prioritised.

[Setting the standards of education – Expectations of schools](#)

For the purposes of this Review, the term ‘standards’ refers to the community benchmarks to which non-state schools should be held. This section seeks to understand your expectations of the standards of education. In considering the below questions, you may

wish to reflect on your responses to the themes Community expectations of schools and Protecting students, promoting wellbeing above.

This section aligns with Term of Reference (e), (g) and (h).

Questions to consider:

9. How should community expectations of a quality, contemporary non-state schooling sector be reflected in the Accreditation Framework? Are any changes needed?

The Framework needs to explicitly express the support for, and variance of non-state schools. At present, it is very clearly a “one size fits all” model and this leaves non-state schools, particularly faith based, multi-ethnic or community schools open to attack. For example, inclusions could be made under “suitability of the governing body” to expand this criteria to include “members of the school community who hold significant knowledge and history pertinent to the school” or similar. Where the framework addresses the delivery of a quality education program, alongside the expectation that the Australian curriculum be delivered there should be made explicit that the framework supports the mode of delivery may vary and that there is an expectation for schools to provide written evidence of the pedagogical approaches to teaching and learning, specific to their setting.

Whilst not directly related to the Framework, there needs to be an expansion on the languages taught in schools. At present there is a very limited number of languages approved by ACARA. This limits schools like mine who need to teach an ancient language (in my case Hebrew). It is ludicrous that the advice I get, in order to be compliant, is to drop the language all my students need and that parents value, and to pick up a random language, such as French. This does not show support for non-state schools, when we are simply expected to conform to the “one size fits all” model.

10. How can the Accreditation Framework for non-state schools be made sufficiently flexible to adapt to shifting community expectations for standards of education over time?

The Framework needs to make an allowance for remote learning. This would not be the same as distance education ,where children learn from home 100% of the time. Rather, there needs to be a provision for children to log in and view classes via Zoom or Teams from home up to 3 days/week by negotiation. This is particularly pertinent as a genuine adjustment for students with a disability. At present, a student who is too unwell, or who’s disability prevents them from attending on some days is excluded from NCCD funding on those days, despite the fact our teachers work overtime to ensure these students with a disability are supported. If the Framework supported schools in supporting students to work remotely for some of the time, this would not only reflect a contemporary view of education, but go a long way in supporting children with a disability.

11. To what extent do the government funding eligibility criteria under the Act align with community expectations?

I think where the Act falls down is in the understanding of, and enforcement of the criteria that a school can not operate for profit. In a small school like mine, this goes without saying. There is absolutely no profit to be had! However, where I think the community, broadly speaking, loses confidence is in the big, wealthy schools. How is this criteria enforced. Where are the loop holes these schools operate within where they can clearly be making huge money, and yet still be deemed “not for profit”.

Accrediting non-state schools – expectations and improvements

The purpose of this section is to understand your views and expectations of the accreditation application and assessment process. We are interested in gaining an understanding of what is working well, what could be improved and how reforms to the accreditation process introduced by the 2017 Act have impacted the sector.

This section aligns with Term of Reference (b)(sub-point two) and (g).

Questions to consider:

12. What, if any, changes are required to the scope of the Accreditation Framework?

I think the scope is sufficient, and covers what is “essential” in getting a school accredited. However, the reviews and audits need to be streamlined.

13. What, if any, changes could be made to the initial accreditation process to make sure a quality, contemporary non-state schooling sector is maintained?

The time taken for review, and between stages is lengthy, and could be shortened.

14. What changes in an accredited school should trigger a further application for accreditation? To what extent should this process differ from a full application?

Changes in year levels offered should trigger a further application, but not a full application. Where a school is accredited, it should be a far shorter, abridged application process if you are “adding on” to a school. Also, when adding a new site to an existing school, this should not need a full application. There is an interesting loophole at present where if a school expands to an adjoining property, there is no application needed at all, whereas if they want to open a site across the road, they need to submit a full application. This is bureaucratic red tape and is certainly not supporting non-state schools to grow.

I would like to see a consideration to allow for a Special Assistance “arm” or a school to be developed and operate on the same campus of an already accredited school. Much like to

models where special education units can operate on the grounds of a mainstream school, I feel many student would benefit if a school could operate a Special Assistance class or unit on the campus of a mainstream school.

15. To what extent do the current requirements for suitability of a governing body meet contemporary standards of education?

In practice I think the current requirements are in line with standards of education, however the NSSAB scope and application are varied. I would like to see more direction and advice regarding who should be part of a governing body, whilst also recognising that school governing bodies will, by their very nature, be reflective of the school over which they are governing. For example, it would be desirable to give examples of the qualifications and experiences that NSSAB would expect to see in a governing body, without being prescriptive.

16. How does the ongoing nature of the accreditation of non-state schools align with community expectations and contemporary accreditation principles?

I believe it is outdated and under resourced. I like the shift to the newer 5 year peer review process and I feel that if this were strengthened, by giving the authorised person the rights to make decisions and give advice on behalf of the Board, then this process could become robust enough to do away with the drawn out and often repetitive “random” audit process.

17. Commencement of the Act in 2017 streamlined accreditation processes. What, if any, impact have these changes had for the sector?

It has created a funnel effect. The streamlining is a positive change, however NSSAB now seem so far removed from the actual schools and the governing bodies that often their decisions seem very “distant”. Not to mention, there is a lengthy time delay in getting decisions. This further emphasises the need for “on the ground” authorised persons” to be able to make decisions and provide advice on behalf of NSSAB

Maintaining standards through monitoring and compliance

The purpose of this section is to understand your views and expectations of the Board’s monitoring and compliance activities.

We are interested in gaining an understanding of what is working well, what could be improved and how reforms to the accreditation process in 2017 have impacted the sector.

This section aligns with Term of Reference (g).

Questions to consider:

18. What, if any, changes are required to strengthen monitoring and compliance activities and enable a flexible, proactive and risk-based approach to regulation?

There is far too much distance between NSSAB, who make the decisions, and the schools. NSSAB needs to have “on the ground” authorised persons who are authorised to give advice and make decisions. Schools should also have one, or a small number of authorised persons who they work with regularly. This would help as they get to know the schools and would make future audits more efficient.

19. To what extent should information be made publicly available where a school’s existing accreditation is being considered, noting the need to strike a balance between public interest and due process?

I think to make public any consideration regarding a school’s accreditation, prior to a decision being made would prove catastrophic for most schools. Parents need to have faith in their school and the publication of a NSSAB investigation would rattle that faith and could, in many circumstances lead to a cascade effect of declining enrolments. As we all know, often NSSAB investigations are triggered by complaints made by former, disgruntled staff, by a family who may have left the College or neighbours who don’t want that school in their neighbourhood. Whilst I am not aware of the data, I imagine the majority of these investigations result in no action, or in a remedy being brought forward.

If NSSAB is serious about **supporting** independent schools, then these schools deserve the benefit of doubt during the course of an investigation and should not have this made public. The NSSAB investigative process is rigorous enough, without putting additional pressure on schools to explain and reassure parents during the investigative process.

20. What level of support should be provided to non-state schools to make sure they implement the accreditation requirements and uphold standards? Should this approach differ for new schools?

The level of support offered to all non-state schools needs serious and considered improvement. Whilst many of us receive support from ISQ, NSSAB in general is far from helpful. I would like to see a total shift in the way NSSAB operates, to a model where support, help and guidance comes before compliance enforcement. A shift to a focus on keeping school open, not the constant threat of shutting them down.

21. Commencement of the Act in 2017 transferred responsibility for reviewing Board decisions from the Minister for Education to the Queensland Civil and Administrative Tribunal. What, if any, impact have these changes had for the sector?

I have no comment on this as I have no experience.

Striking the right regulatory balance

This section asks for your views on whether there are any opportunities to streamline or strengthen activities carried out by, or on behalf of, the Board.

This section aligns with Term of Reference (i).

Questions to consider:

22. What, if any, opportunities exist to streamline regulatory and administrative processes, without compromising standards?

I would like to see a streamlining of the investigative process, to a far more person-centred one. There is an opportunity to bolster the NSSAB influence by increasing the powers and authority of Authorised persons to act on behalf of NSSAB. This would allow schools to reach out and seek advice and guidance from these people, who now know their school whilst working hand in hand with them to ensure they are compliant.

23. Are there any areas within the Accreditation Framework where regulatory and administrative processes should be strengthened to meet community expectations and uphold standards?

No, I feel the standards are very robust. It is more about the way in which they are enforced.

The importance of powers

The purpose of this section is to understand if the Board's powers are sufficient to meet community expectations, uphold standards and maintain public confidence in the non-state school sector.

This section aligns with Term of Reference (g).

Question to consider:

24. Are the Board's current powers sufficient to enable it to take strong and immediate action to maintain public confidence when concerns are raised? If not, what areas should be strengthened?

I believe they are. In my experience, NSSAB act swiftly in areas relating to child protection, WH&S and any other matter that compromises a child. Again, in these matters I would like to see a personal approach, an Authorised person at the school, talking with staff rather than simply getting a letter.

Good governance

We are interested in your views on whether the Board's governance structure and administrative arrangements, as introduced in 2001, continue to reflect best practice and meet community expectations for the non-state school sector.

This section aligns with Term of Reference (e), (j) and (k).

Question to consider:

25. What improvements could be made to the Board's governance, decision making, administrative and operating arrangements to support a quality, contemporary non-state schooling sector in Queensland?

This is difficult to respond to, other than to bring in my own personal experience. I feel that there is far too much distance between the NSSAB and schools. To put it bluntly, the Board sits in a conference room and makes future-altering decisions about a school, and a school community without ever even speaking to a Principal, or a parent. Changes need to be made to the decision making process to personalise this. To put people on the ground and to genuinely *support* non-state schools.

I thank you for the work you are doing to review the Non State School Accreditation Board. Those of us working in the sector have chosen to do so because we feel passionately about a parents right to choose a school that best suits them. We all know that the state sector relies on the non-state sector and that all schools, and in particular non-state schools need support in order to thrive.

I do hope that my submission can assist you in forming a view of the NSSAB and their processes. I would be happy to discuss my current, and previous experiences with you, if they are of relevance to the review.

Kind Regards



Christine Harman

Principal, Sinai College



Queensland Non-State Schools Accreditation Framework Review

Submission to Independent Reviewer

22 May 2023

Table of contents

Table of contents.....	1
Summary.....	2
Introduction	3
Community expectations of schools	3
The changing role of schools.....	3
Human rights and schools	5
Student and school community participation in an accreditation framework.....	6
Protecting students, promoting wellbeing	8
Equity and inclusion.....	8
Health and wellbeing	10
Setting the standards of education – Expectations of schools	11
Underlying principles	11
Human Rights Act compliance as a requirement of registration	12
Specific Charter of Rights	13
Maintaining standards through monitoring and compliance	13
Information and education	13
Complaints processes	14
Accountability and transparency	14
Conclusion	14

Summary

1. Thank you for the opportunity to make submissions on this review of Queensland Non-State Schools Accreditation Framework.
2. Schools play a significant role in supporting the development and wellbeing of children. Schools that are unable to meet a child's needs can have negative social and economic consequences for the child and their families, and in the longer term, for community and society. Non-State schools, which provide education services to one-third of Queensland's children¹, must therefore be required to meet the same standards expected of State schools.
3. The Queensland Human Rights Commission (Commission) acknowledges that non-State schools are not public entities bound by obligations under the *Human Rights Act 2019* (Qld). However, human rights principles can provide a valuable framework to assess whether the fundamental needs of children are being met. All children have human rights, whether or not they attend a State school or a non-State school.
4. In this submission, the Commission has answered select questions put forward in the submission guide to this review.² In summary, the Commission's views are:
 - a. Schools play a vital role in child development beyond literacy and numeracy.
 - b. There is a community expectation that non-State schools be subject to the same human rights standards as State schools.
 - c. Current human rights discussion in Australia is supportive of an express 'participation duty' that would require children and families are given the opportunity to meaningfully participate in major decisions that affect their lives.
 - d. Protecting student safety, health and wellbeing must ensure there are sufficient protections against discrimination. The Independent Reviewer should be aware of a number of reforms to Queensland anti-discrimination laws were recommended in the Commission's 2022 review of the *Anti-Discrimination Act 1991* (Qld)³, which have been accepted in principle by Government, including additional protected attributes, changes to religious exception provisions, a new positive duty to make reasonable adjustment for

¹ Department of Education (Qld), *Queensland Non-State Schools Accreditation Framework Review: Submission Guide* (2023) 1.

² Ibid.

³ Queensland Human Rights Commission, *Building Belonging – Review of Queensland's Anti-Discrimination Act 1991* (July 2022).

people with disability, and a broader positive duty to take reasonable and proportionate measures to eliminate discrimination.

- e. There is greater scope within the accreditation criteria to confirm a school's role in fostering student health and wellbeing, in line with community expectations.
- f. While many non-State schools likely already apply human rights principles, existing legal frameworks do not provide coverage of all rights protected under the *Human Rights Act 2019* (Qld). The review is an opportunity to embed respect and protection of human rights into the policy and culture of non-State schools. The submission outlines some examples of how this could be achieved.
- g. Any changes to the accreditation framework need to be accompanied by sufficient education and guidance on the changes for schools, staff, students, and families to support compliance.
- h. Schools should be required to inform staff, students, parents and guardians about any rights to make complaints to external bodies, including the Accreditation Board.
- i. There should be increased accountability and transparency of the regulatory activities of the Accreditation Board, and additional annual reporting requirements on non-State schools to assist with monitoring and analysis of key issues that affect all schools, such as rates of school disciplinary absences.

Introduction

- 5. The Queensland Human Rights Commission (QHRC) is a statutory body established under the *Queensland Anti-Discrimination Act 1991* (AD Act).
- 6. The QHRC deals with complaints of discrimination, sexual harassment, vilification, and other objectionable conduct under the AD Act, and with human rights complaints under the *Human Rights Act 2019* (HR Act).
- 7. The QHRC also has functions under the AD Act and the HR Act to promote an understanding and public discussion of human rights in Queensland, and to provide information and education about human rights.

Community expectations of schools

The changing role of schools

- 8. There has been growing recognition, heightened by the experience of the COVID-19 pandemic, of the important role schools play beyond literacy and numeracy skills, and academic development.

9. The preamble to the Alice Springs (Mparntwe) Education Declaration (Mparntwe Declaration) provides:

However, our education system must do more than this – it must also prepare young people to thrive in a time of rapid social and technological change, and complex environmental, social and economic challenges. Education plays a vital role in promoting the intellectual, physical, social, emotional, moral, spiritual and aesthetic development and wellbeing of young Australians, and in ensuring the nation's ongoing economic prosperity and social cohesion. They need to deal with information abundance, and navigate questions of trust and authenticity. They need flexibility, resilience, creativity, and the ability and drive to keep on learning throughout their lives.

10. The two goals of the Declaration are that the Australian education system promotes excellence and equity, and that all young Australians become confident and creative individuals, successful lifelong learners, and active and informed members of the community.

11. Internationally, the United Nations Committee on Economic, Social and Cultural Rights has identified the following benefits of education:

Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth. Increasingly, education is recognized as one of the best financial investments States can make. But the importance of education is not just practical: a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence.⁴

12. In Queensland, education has found to be key in preventing and addressing youth offending. Schools also provide the ideal environment to identify those who are at risk of anti-social or offending behaviour, and opportunities to intervene early.⁵

13. In order for these benefits to children, their families and society to be realised, there must be a focus on keeping all children enrolled and engaged in school. A recent discussion paper into reinventing Australian schools proposes a greater focus on the health and wellbeing of students in order to achieve this:

COVID-19 highlighted the established links between health, wellbeing and learning, and the existing associated inequities. Research indicates a common-sense wisdom – children who are healthier are better learners. And in turn, better learners are often healthier, with greater overall wellbeing into their adult years. Yet, in most schools and in many families, intellectual or academic achievement is often valued and rewarded

⁴ United Nations Office of the High Commissioner for Human Rights, *CESCR General Comment No. 13: The Right to Education (Art. 13)*, UN Doc E/C.12/1999/10 (8 December 1999) [1].

⁵ Bob Atkinson, *Report on Youth Justice* (Report, version 2, 8 June 2018) 33-34.

before anything else; this fuels an artificial disconnect between health, wellbeing and learning. ... We suggest shifting the core purpose of school from primarily focusing on academic intelligence to equally focusing on learning, wellbeing, and health for optimised whole child development. This change would enable schools to be multi-opportunity communities designed to build a healthy foundation for lifelong success.

Human rights and schools

14. The *Human Rights Act 2019*, which commenced substantive operation on 1 January 2020, imposes obligations on public entities to properly consider and act compatibly with specified rights. These include:
- a. Recognition and equality before the law, which protects against discrimination and prompts positive action to make reasonable adjustments to achieve substantive equality;⁶
 - b. Rights to life, protection from torture and cruel, inhuman or degrading treatment, and liberty and security,⁷ which all go towards ensuring a safe school environment;
 - c. Freedom of expression⁸, which includes rights to seek and receive information;
 - d. Protection from unlawful or arbitrary interference with a person's privacy, family, and home, including informational privacy and the right to individual identity and personal development;⁹
 - e. Cultural rights of Aboriginal peoples and Torres Strait Islander peoples¹⁰ which requires schools to be culturally safe for Aboriginal and Torres Strait Islander children and their families, and supports a curriculum that teaches and celebrates First Nations history and culture;
 - f. The right of a child, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child¹¹; and
 - g. The right to education, which states that every child has the right to have access to primary and secondary education appropriate to the child's needs,¹²

⁶ *Human Rights Act 2019* (Qld) s 15.

⁷ *Human Rights Act 2019* (Qld) ss 16, 17, 29.

⁸ *Human Rights Act 2019* (Qld) s 21.

⁹ *Human Rights Act 2019* (Qld) s 25; see also *Kracke v Mental Health Review Board* [2009] VCAT 646; [2009] 29 VAR 1 [619].

¹⁰ *Human Rights Act 2019* (Qld) s 28.

¹¹ *Human Rights Act 2019* (Qld) s 26(2).

¹² *Human Rights Act 2019* (Qld) s 36.

and is especially relevant to decisions regarding enrolment, cancellation, suspension and exclusion.

15. Public entities have obligations under the HR Act to act and make decisions compatibly with human rights. The definition of public entity includes ‘an entity whose functions are, or include, functions of a public nature when it is performing the functions for the State or a public entity.’¹³ The HR Act provides the example of a non-State school as a body which will not be a public entity merely because it performs functions of a public nature in educating students, because it is not doing so for the State.
16. Human rights are nonetheless relevant to the work of private entities including non-state schools.¹⁴
17. A child has human rights whether or not they attend a State or non-State school. The importance of school in a child’s life, and the broader social benefit that school provides, applies to all schools. In the Commission’s view, there is already a community expectation that the same human rights obligations and standards apply to both State and non-State schools, which can only be strengthened by a growing understanding of human rights in Queensland and the introduction of human rights legislation at a federal level.

Student and school community participation in an accreditation framework

18. The Australian Human Rights Commission (AHRC) notes that the best interests principle for children applies to actions concerning individual children, groups of children, and children as a class, with State parties called upon to apply the principle ‘in all legislative, administrative and judicial proceedings as well as policies, programmes and projects relevant to and with an impact on children’¹⁵ The AHRC suggests that these obligations under the Convention on the Rights of the Child (CRC) mean that any decision making process assessing a child’s best interests must involve consideration of:
 - a. the views of a child, subject to their evolving capacity;

¹³ *Human Rights Act 2019* (Qld) s 9(1)(h).

¹⁴ See for example, Rolla Moumné and Charlotte Saudemont, *Overview of the Role of Private Providers in Education in Light of the Existing International Legal Framework. Investments in private education: undermining or contributing to the full development of the human right to education?* (UNESCO Working Papers on Education Policy No 1, 2015).

¹⁵ Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia* (Position Paper, December 2022) 196, citing John Eekelaar and John Tobin, ‘Art 3 The Best Interests of the Child’ in John Tobin (ed) *The UN Convention on the Rights of the Child: A Commentary* (OUP, 2019) 78 and *Concluding Observations: Albania*, CRC/C/ALB/CO/2-4 (October 2012) [30(a)], and *Concluding Observations: Australia*, CRC/C/AUS/CO/4 (August 2012) [32].

- b. the relevance of any other rights under the Convention or other international treaties;
 - c. the views of parents or other persons involved in the child's care;
 - d. the individual circumstances of the child, including their developmental needs and any relevant social, religious or cultural practices;
 - e. any available empirical evidence of relevance.¹⁶
19. Further, the AHRC suggests:

The right to be heard is a necessary complement to the best interests principle...The right to be heard ensures that decisions made affecting children, including those designed to protect them from harm, are not merely based on adult assumptions about what is in the interests of children, and instead genuinely take into account children's views about decisions that affect their lives.¹⁷

20. In applying these obligations and others under international law to its proposed national Human Rights Act, the AHRC suggests that an obligation should be placed on Commonwealth public entities to ensure the participation of First Nations peoples, children and persons with disability in relation to decisions that directly or indirectly affect their rights. This would form part of the positive duty on public authorities to properly consider human rights in decision-making, already part of the obligations placed on Queensland public entities under the HR Act.
21. The participation duty would arise when decisions are being made that directly concern these groups or where the decision is likely to have a disproportionate impact on the group in question.¹⁸ The AHRC has provided indicative guidance on when and how the obligation would apply.¹⁹
22. For children this would mean:

The implementation of this principle will require the embedding of policies and practices across the public service... It could also take the form of guidance and codes for officials engaging directly with children and their families, about the steps that need to be undertaken to ensure that the duty is fulfilled.

For some public authorities that deal directly with children and children's rights, the requirement to fulfil the duty may be more onerous and

¹⁶ Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia* (Position Paper, December 2022) 197.

¹⁷ Ibid 199.

¹⁸ Ibid 183.

¹⁹ Ibid 184-186.

comprehensive, applicable to virtually all decisions made in that space – for example, education...²⁰

23. In the long term, the Commission suggests there is merit in considering formally adopting the participation duty into the Queensland HR Act, which is shortly to be reviewed. In the short term, arguably the obligations encompassed within the rights in the HR Act, when interpreted consistently with the CRC, mean children and parents should already be given the opportunity to participate in decisions that affect them.
24. While these obligations are placed directly on public entities, through the state's regulation of education standards, they are also relevant non-State schools. The intention of the relevant international standards for children is that the State must ensure that all children, and their families, are given the opportunity to meaningfully participate in major decisions that affect their lives. Arguably this includes ensuring that children in the non-State education system are given the same participation opportunities.
25. An example of this obligation in practice may be seen in the ACT registration standards. Consultation with students, parents and staff about the operation of the school, its education programs, and various policies are a requirement of the Registration Standards set out in Schedule 2 of the *Education Regulation 2005* (ACT).

Protecting students, promoting wellbeing

Equity and inclusion

26. Protection of students' safety, health and wellbeing must also incorporate mechanisms to ensure an environment that is free from discrimination.
27. The current accreditation framework requires an educational program that is consistent with the Mparntwe Declaration, which includes principles of equity, and specifically requires schools to have written processes about identifying people with disability and devising an educational program that is specific to the needs of people with disability that complies the AD Act and the Disability Standards of the *Disability Discrimination Act 1992* (Cth).²¹
28. This focus on disability discrimination might be unintentionally limiting, when discrimination can occur in schools on many different protected grounds. For example, in *Taniela v Australian Christian College Moreton Ltd*²², QCAT upheld a

²⁰ Ibid 203.

²¹ *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld) rr 9(1)(e), 11.

²² [2020] QCAT 249.

complaint of unlawful discrimination on the basis of race against a school who required a male student to cut his hair, inconsistent with Cook Island custom.²³

29. As yet unpublished research into Queensland State schools shows that children most at risk of school disciplinary absences are children with disability, Aboriginal and/or Torres Strait Islander children and children in out of home care, or a combination of these attributes²⁴. While children in out of home care are not a protected attribute under the AD Act, in its *Building Belonging Report – Review of Queensland’s Anti-Discrimination Act 1991 (Building Belonging)*, the Commission recommended inclusion of the following new attributes: subjection to domestic or family violence, homelessness, and irrelevant criminal record.²⁵
30. The Independent Reviewer should be aware that the Commission also recommended:
- a. the addition of sex characteristics and physical features as protected attributes,²⁶
 - b. a revised exception that allows discrimination on the ground of religious belief or religious activity in relation to work for an organisation or related entity established for religious purposes if reasonable and proportionate in the circumstances and the participation of the person in the teaching, observance or practice of a particular religion is a genuine occupational requirement;²⁷
 - c. A new positive duty to make reasonable accommodations for people with disability in all areas covered by the AD Act, including education;²⁸
 - d. A new positive duty to take reasonable and proportionate measures to eliminate discrimination and other prohibited conduct as far as possible which applies to anyone who has a legal obligation under the Act, and for all attributes and areas covered by the Act.²⁹

²³ This decision has been appealed by the respondent, but a final determination has not yet been published.

²⁴ Linda Graham, Callula Killingly and Sophie Wiggans, ‘Intersectionality and disproportionate risk’, *Use of Suspensions in QLD State Schools* (Web Page, 17 March 2023) < <https://research.qut.edu.au/c4ie/events/overuse-of-suspensions-in-qld-state-schools-a-long-way-from-equity-and-excellence/>>.

²⁵ Queensland Human Rights Commission, *Building Belonging – Review of Queensland’s Anti-Discrimination Act 1991* (July 2022). Recommendations 29, 31, 32.

²⁶ Ibid Recommendations 28, 30.

²⁷ Ibid Recommendation 39.2.

²⁸ Ibid Recommendation 5.

²⁹ Ibid Recommendation 15.

31. These recommendations have been accepted in-principle for implementation by Government.³⁰

Health and wellbeing

32. As already indicated above, health and wellbeing and its connection to learning and school engagement is gaining prominence.³¹ In addition, schools are a significant protective factor for vulnerable children and are well placed to provide early intervention supports.
33. Regulation 9 of the *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld) requires schools have a written education program that:
- provides a breadth, depth and balance of learning appropriate to students' phases of development and across an appropriate range of learning areas; and
 - is responsive to the needs of the school's students; and
 - is consistent with the Mparntwe Declaration.
34. The Mparntwe Declaration, while setting out worthwhile goals and focus areas for action, without further guidance, might be difficult for schools to implement and embed in their policies and practice.
35. The accreditation criteria for 'the school's student welfare processes' only require compliance with workplace health and safety laws, Blue Card requirements, and processes to respond to allegations of harm.³²
36. There is greater scope within the accreditation criteria to promote student health and wellbeing. For example, this could include school strategies that prioritise student health and wellbeing, health and wellbeing skills as part of the curriculum, and demonstrated collaboration between services, families and schools.³³ The ACT registration standards require schools to have procedures in place to encourage student attendance, and written behaviour management policies and procedures that deal with school disciplinary absences that have

³⁰ Queensland Government, *Final Queensland Government Response to the Queensland Human Rights Commission's Report, Building Belonging – Review of Queensland's Anti-Discrimination Act 1991* (Final Response, 3 April 2023).

³¹ Pasi Sahlberg et al, 'Reinventing Australian Schools for the Better Wellbeing, Health and Learning of Every Child' (Discussion paper, Melbourne Graduate School of Education at University of Melbourne, Centre for Community Child Health at Murdoch Children's Research Institute, and Faculty of Education at Southern Cross University, 2023).

³² *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld) rr 15 and 16.

³³ These examples are taken from Pasi Sahlberg et al, 'Reinventing Australian Schools for the Better Wellbeing, Health and Learning of Every Child' (Discussion paper, Melbourne Graduate School of Education at University of Melbourne, Centre for Community Child Health at Murdoch Children's Research Institute, and Faculty of Education at Southern Cross University, 2023).

regard to the best interests of the individual student, other students, and staff of the school.³⁴

Setting the standards of education – Expectations of schools

37. For reasons already set out above, the Commission envisages an increasing community expectation that non-State schools abide by human rights principles. Many of the rights protected by the HR Act are already covered by other legal frameworks, such as Federal and state anti-discrimination laws and current accreditation criteria, for example, the requirement for a school's educational programs to be consistent with the Mparntwe Declaration.³⁵ However, existing frameworks do not provide coverage of all rights protected by the HR Act.
38. Regardless of legal requirements, human rights considerations lead to better policy and more inclusive practices. Many non-State schools now likely already adopt many of these principles. Ensuring all non-State schools consider human rights would lead to more structured and consistent decision making, better outcomes for individuals, fewer complaints and decreased risk. This review provides an opportunity to build on the existing human rights culture within non-State schools, to scaffold a greater focus on the whole child to align with changing community expectations of schools and will assist in maintaining public confidence in the operation of non-State schools.³⁶ It is also consistent with the Accreditation Board's obligations as a public entity in regulating non-public entities whose functions, nevertheless, can have a significant impact on individual human rights.
39. The following are examples of how this can be achieved.

Underlying principles

40. ACT legislation sets out principles underpinning the regulation of non-Government schools. These are:
- (a) the non-government school sector consists of schools from a range of different educational and religious philosophies;
 - (b) the variety of schools in the sector reflects the diversity of the community in the ACT and the preferences of parents for a particular style of education for their children;
 - (c) the non-government schools sector is committed to—
 - (i) developing the spiritual, physical, emotional and intellectual welfare of its students; and
 - (ii) innovation, diversity and choice; and

³⁴ *Education Regulation 2005* (ACT) Sch 2, Pt 2.3.

³⁵ *Education (Accreditation of Non-State Schools) Regulation 2017* r 9.

³⁶ See Objects of Act, *Education (Accreditation of Non-State Schools) Act 2017* (Qld), s 3(1)(b).

- (iii) maximising student outcomes; and
- (iv) teacher, parent and student participation in school education; and
- (v) promoting the partnership between home and school; and
- (vi) preparing students for their full participation in all aspects of a democratic society.³⁷

41. Victoria's legislation has a set of principles that apply to all providers of education and training. These refer to a commitment to a number of freedoms such as equality, religion, speech and association, the values of openness and tolerance, the right of all Victorians to access high quality education, a system which allows parents to take an active part in their child's learning, and the right of students and parents to information about a student, and the rights of the community to information about its school.³⁸ Many of these principles are then given form in the minimum standards for the registration of schools.³⁹ In addition to general powers to investigate issues regarding compliance⁴⁰, the Victorian Registration and Qualifications Authority must investigate complaints which allege breach of certain principles.⁴¹
42. Setting out a purpose and principles for non-State schools would help schools to develop human rights centred practice and procedures.

Human Rights Act compliance as a requirement of registration

43. In the ACT, a non-Government school must comply with registration standards, which are set out in Schedule 2 of the *Education Regulation 2005* (ACT). The standards require schools to comply with all applicable territory and Commonwealth laws, including the *Human Rights Act 2004* (ACT).⁴² Notably, the ACT Human Rights Act does not use non-State schools as an example of a non-public entity, unlike the Queensland HR Act and the Victorian Charter.⁴³ The provisions defining public entities in the ACT Human Rights Act are nonetheless very similar to the relevant provisions of the Queensland HR Act.
44. In Victoria, both Government and non-Government schools are subject to the same minimum standards for registration set out in regulation and guidelines.⁴⁴ The minimum standards require that a school's programs and teachings must be

³⁷ *Education Act 2004* (ACT) s 72.

³⁸ *Education and Training Reform Act 2006* (Vic) s 1.2.1.

³⁹ *Education and Training Reform Regulation 2017* (Vic) Sch 4; *Education and Training Reform Regulation 2017* (Vic) rr 97-99.

⁴⁰ *Education and Training Reform Act 2006* (Vic) s 4.2.3.

⁴¹ *Education and Training Reform Regulation 2017* (Vic) rr 97-99.

⁴² *Human Rights Act 2004* (ACT) s 2.19.

⁴³ See *Human Rights Act 2019* (Qld) s 9(1)(h); *Charter of Human Rights and Responsibilities Act 2006* (Vic).

⁴⁴ *Education and Training Reform Act 2006* (Vic) 4.3.1.

consistent with the principles of Australian democracy, and evidence of a statement affirming that the school adheres to those principles. This includes a commitment to equal rights for all before the law, freedom of religion, freedom of speech and association; and the values of openness and tolerance.⁴⁵

45. In Queensland, non-public entities may ask the Minister to declare that an entity is subject to the obligations of a public entity under the HR Act.⁴⁶
46. Requiring HR Act compliance as a requirement of registration would not necessarily be the same as a school opting in under the HR Act. For example, if a school was only required to demonstrate compatibility with protected human rights as a requirement of registration, then schools would only be held accountable for that obligation through the accreditation process, and possibly under any ongoing compliance mechanisms. However, unlike a core, functional or opted-in public entity, a non-State school would not be liable to respond to a complaint made to the Commission under the HR Act, or be subject to 'piggy-back' human rights actions through the courts.

Specific Charter of Rights

47. An alternative to requiring HR Act compliance as part of the registration system would be the development of a specific charter of rights for schools, which are able to articulate protected human rights in the education context. Such a charter should be developed in consultation with students, families and schools and may be easier for schools to understand and embed within their own processes.

Maintaining standards through monitoring and compliance

Information and education

48. Schools need education and guidance to comply with existing legislative frameworks and any new accreditation standards. This education should also extend to students and families so that they are aware of their rights. Support for achieving compliance should be prioritised over fixing problems after the harm to individuals has already occurred.

⁴⁵ *Education and Training Reform Regulation 2017* (Vic) Sch 4 Item 1; Victorian Registration & Qualifications Authority, *Guidelines to the Minimum Standards and Requirements for School Registration* (For new and existing schools from 1 July 2022) 9.

⁴⁶ Human Rights Act, s 60. To date, two entities have opted in: Queensland Advocacy Incorporated and Caxton Legal Centre.

Complaints processes

49. Under current accreditation criteria, a school must have a complaints procedure and staff, students, parents and guardians are made aware of that process.⁴⁷ Schools should also be required to inform staff, students, parents and guardians about any rights to make complaints to external bodies, including the Accreditation Board.

Accountability and transparency

50. Complaints regarding a school's compliance can be made to the Accreditation Board. The annual report of the Accreditation Board provides statistics on numbers of compliance concerns received, and notices issued as a result but does not appear to detail the types of compliance issues raised or how they were resolved. Such information could be valuable for students, communities, and other schools to learn from. It may also provide opportunities to develop systemic responses to commonly arising non-compliance issues.
51. Under section 121 of the *Education (Accreditation of Non-State Schools) Act 2017* (Qld), the Minister may refer an accreditation matter to the Accreditation Board for examination and report. One such referral was made regarding 'certain concerns relating to Citipointe Christian College'.⁴⁸ Any explanation for the referral, the terms of reference, or the progress of the examination is not publicly available. There is no indication whether the final report will be published. Again, monitoring and compliance would be assisted by increased transparency and accountability of process and outcomes.
52. Required annual reporting on identified key issues for non-State schools would also assist monitoring and compliance, particularly where that reporting is already required or collected from State schools in order to draw comparisons and provide a complete picture of student education for the State. For example, rates of student disciplinary absences and demographics, and internal complaints and outcomes data.

Conclusion

53. This review presents an opportunity to support non-State schools to achieve education best practice and the goals of the Mparntwe Declaration. Incorporating human rights principles meets the expectations of the community and creates consistency between the experience of State and non-State school students.

⁴⁷ *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld) r 7.

⁴⁸ Non-State Schools Accreditation Board (Qld), *Media Statements* (Web Page, 4 February 2022) <<https://nssab.qld.edu.au/Publications/media.php>>.



Review of Accreditation Framework for Non-State Schools

May 2023

Introduction

The Queensland Catholic Education Commission (QCEC) welcomes the opportunity to provide this submission on the Review of the Accreditation Framework for Non-State Schools.

QCEC is the peak strategic body with state-wide responsibilities for Catholic schooling in Queensland. This submission is provided on behalf of the five Diocesan Catholic school authorities and 18 Religious Institutes, and other incorporated bodies, which, between them, operate a total of 312 Catholic schools that educate more than 158,000 students in Queensland. The submission is in addition to the submissions provided individually by Catholic school authorities.

QCEC recognises the importance and relevance of the accreditation framework, which applies to non-state schools in Queensland. Catholic school authorities have a productive relationship with the Non-State Schools Accreditation Board (NSSAB) and work in cooperation with NSSAB to ensure ongoing compliance with the accreditation criteria and resolve any issues that may arise. Underpinning this accreditation framework are the *Education (Accreditation of Non-State Schools) Act 2017* and *Education (Accreditation of Non-State Schools) Regulation 2017*, providing a clear legislative basis for the regulation and operation of non-state schools.

The current review provides an important opportunity for adjusting and improving this accreditation framework to ensure that it is as efficient as possible, meets the needs of students, parents and schools and strikes the right balance between regulation and diversity and choice in schooling options. The following comments and recommendations are provided to contribute to such improvements.

Community Expectations of Schools

Catholic Education has played a significant and important role throughout the history of Queensland schooling. Catholic schools have consistently been chosen and supported by families over this time and continue to be the first choice of many parents for their children's education.

The alignment of Catholic schools with community expectations is evidenced by this consistent and strong support. Yet Catholic education does not take this alignment for granted but works to ensure continuous improvement and responsiveness to parental and community feedback.

The current accreditation framework, as embodied in the *Education (Accreditation of Non-State Schools) Act 2017* and *Education (Accreditation of Non-State Schools) Regulation 2017*, specifically addresses the following contemporary issues:

- a) Governance
- b) Complaints procedures
- c) Financial viability
- d) Educational programs
- e) Philosophy and aims
- f) Students with a disability
- g) Distance education
- h) Special Assistance schools
- i) Flexible arrangements
- j) Student welfare
- k) Health and safety
- l) Conduct of staff and students and response to harm
- m) School resources
- n) Staffing
- o) Land and buildings

This is a wide-ranging and comprehensive range of issues. In reality, it covers virtually all aspects of school and school authority operations that are of such a nature that their oversight requires particular legislative regulation.

The current method in the *Education (Accreditation of Non-State Schools) Regulation 2017* of referencing compliance to the requirements of other pieces of legislation is very suitable and effective. For example:

Health and safety – a school must comply with the *Work Health and Safety Act 2011* and the *Working with Children (Risk Management and Screening) Act 2000*.

Student protection – schools must comply with mandatory reporting requirements in the *Child Protection Act 1999* and *Education (General Provisions) Act 2006*.

Land and buildings – a school must comply with the requirements of any Act or other law relating to land use, building, and workplace health and safety.

This approach ensures that the details and substance of compliance requirements can be dealt with in the referenced Act or Regulation rather than in the accreditation legislation where it does not belong. Another advantage of this approach is that changes in the referenced legislation are automatically applied in the accreditation framework, ensuring that the framework is up-to-date and contemporary in relation to compliance requirements.

Given the effectiveness and appropriateness of this type of approach, QCEC would not recommend that any additional criteria be added to the accreditation framework. The framework already provides an appropriate means through which the required regulation can be applied to schools and school authorities and adjusted over time as the compliance requirements change in the referenced legislation.

Protecting students and promoting wellbeing

In respect of student protection and welfare, currently schools and school authorities are required to comply with the mandatory reporting requirements contained in the following legislation:

a) *Child Protection Act 1999*

b) *Education (General Provisions) Act 2006*.

c) *Criminal Code Act 1899*

d) *Education (Accreditation of Non-State Schools) Regulation 2017*

The above-mentioned four separate student protection Acts and Regulation currently apply under the accreditation framework, and differences arise from the legislation regarding the roles of staff (teaching or non-teaching), the type of harm or allegations that must be reported and the thresholds for reporting.

This tends to produce complexity in the student protection framework, sometimes impeding staff to, in a timely manner, ensure they have a correct understanding of, and capacity to, comply with the relevant obligations. A more streamlined student protection framework would assist in ensuring full understanding of and compliance with all requirements. Such coordination and rationalisation would strengthen student protection processes and mandatory reporting requirements and provide a more focused and effective system, thereby making students that much safer.

Similarly, incorporating the *National Child Safe Standards* into the accreditation framework, as recommended by the *Royal Commission into Institutional Responses to Child Sexual Abuse*, would require significant consideration in terms of alignment with existing obligations.

For example, the *Working with Children (Risk Management and Screening) Act 2000* requires schools to develop and implement a Child and Youth Risk Management Strategy, which has overlap with many of the *National Child Safe Standards*.

Setting the standards of education – expectations of schools

Non-state schools must have a written educational program consistent with the National Statement on Education of Young People in Australia, the Alice Springs (Mparntwe) Declaration.

The accreditation framework requires non-state schools to deliver approved curriculum requirements articulated by ACARA (Australian Curriculum) and the Queensland Curriculum and Assessment Authority (Senior Curriculum).

These requirements provide an appropriate structure for guidance and direction regarding the education standards for non-state schools. However, schools could benefit from additional clarity regarding curriculum delivery and expectations around time allocation and curriculum coverage.

Accrediting non-state schools – expectations and improvements.

The legislated objects of the *Education (Accreditation of Non-State Schools) Act 2017* are:

- a) to uphold the standards of education at non-state schools
- b) to maintain public confidence in the operation of non-state schools
- c) to foster educational choice in the State.

These objects are supported and essential to the overall quality and strength of the school sector in Queensland. The operation of a contemporary and responsive accreditation framework facilitates the achievement of these objects. Fostering educational choice is particularly important, given the strong community support for Catholic education.

Maintaining standards through monitoring and compliance

In relation to supporting non-state schools to implement accreditation requirements and uphold standards, ideally, NSSAB should move towards a more proactive stance rather than just responding to complaints and alleged non-compliance.

More effective and positive outcomes could be achieved if all non-state schools could successfully meet their accreditation and educational standard obligations rather than a deficient model looking for problems with schools. NSSAB could hold information sessions for schools and school authorities, question and answer sessions and more compliance educational support. The area of complaints management would particularly benefit from greater clarification of expectations and procedural requirements.

Striking the right regulatory balance

A majority of issues raised by schools and school authorities with the accreditation framework relate to administrative and procedural matters. Concerns have been expressed in respect of duplication, over-bureaucratisation and time inefficiency. It is acknowledged that some of these issues are inherent in the type of regulatory work being undertaken by NSSAB. Yet many of these issues can be addressed without legislative change and could be improved simply with changes to administrative orientation and priorities.

Some suggestions for changes are provided below:

- a) **Reduction in duplication** – this relates particularly to governing bodies that administer a number of schools. Documentation demonstrating the suitability of governing body and organisational structure could be provided once for all schools undertaking their Cyclical Compliance Review in a particular year. Similarly, many policies and procedures are common across multiple schools, and once assessed by NSSAB, schools could indicate that they adhere to the approved policies.
- b) **Direct communication** – while it is acknowledged that the governing body is legally responsible for all compliance requirements, many issues are easily resolvable through direct communication at a more appropriate level, for example, through communication with the school Principal. It is recommended that in performing its function, NSSAB communicates at a level that is most appropriate and productive for addressing issues. This will increase communication and resolution efficiency without impacting the ultimate responsibility of governing bodies for their schools.
- c) **Clarity of information on complaints** - communication from NSSAB concerning a complaint should be as focused as possible. Complaints are most effectively resolved if the most pertinent issues can be isolated and addressed specifically. This should assist with the time efficiency of complaints management. Developing a template for responding to complaints would be positive, as would feedback from NSAAB concerning the appropriateness of the information provided in response to a complaint.

The importance of powers

The powers granted to NSSAB under the *Education (Accreditation of Non-State Schools) Act 2017* and *Education (Accreditation of Non-State Schools) Regulation 2017* are appropriate and proportional to meeting its legislated objects.

Good Governance

The current composition of the NSSAB Board is considered appropriate. Balance across the entire Queensland school sector is achieved by having one nominee from the Minister for Education and one nominee each from the chief executive of the Department of Education, QCEC and Independent Schools Queensland. The addition of three further members nominated by the Minister following consultation provides an important mechanism for incorporating other perspectives and experience in NSSAB's decision-making processes.

Overall, improvements could be made to NSSAB's operations by adopting the above suggestion of taking a more proactive than reactive stance and the administrative and procedural changes and streamlining suggested in the *Striking the right regulatory balance* section.

In successfully fulfilling its role of maintaining public confidence in non-state schools and fostering educational choice, it is important that NSSAB work in partnership and cooperation with the Catholic and Independent school sectors for the benefit of Queensland children and their families.

Thank you for the opportunity to provide this submission. QCEC looks forward to working with the Review to ensure an appropriate and contemporary accreditation framework for non-state schools in Queensland.

Mr Steven Jeffery

Acting Executive Director

Northside Christian College.

"The founding ideal of our College is to provide a Christian education for Christian families providing opportunities for parents to confidently educate their children in a way that acknowledges Jesus Christ but also provides excellent educational outcomes."

We are a caring, learning, encouraging, faith-based community - focused on students, staff and parents and extending to Grandparents and other members of the wider community.

Character through Christ is in the DNA of the College. It is built into every level of the College, aspired to by all, from staff and students and our Northside community. We partner with parents to foster authentic faith that is characterised by active love and dedication to the teachings of Christ.

Our teachers and staff teach a little by what they say: we teach more by what we do: and we teach most by who we are - our life, disposition, attitude, reactions, high moral character and ethos of influence.

Having welcomed the opportunity to submit to the Queensland Non-State Schools Accreditation Framework review, we express several concerns from our reading of the Submission Guide. Our comments and concerns in this regard are as follows:

1. Despite a strong focus on community expectations, no apparent reference or definition of 'local community' exists. We would urge a greater focus on the 'local communities' expectations, given that parents choose the School for their children's education based mainly on the school's values.

In our context, Faith and a Christian worldview are the predominant factors in the decision-making of our parents when choosing an education for their children. Exit surveys also suggest this remains an integral part of the entire educational experience. Statements from exit surveys conducted at the end of each year include those about the community's expectations for the College. "The College provides an environment where Christian faith can develop." "That we are committed to the Christian Mission" Based on a yearly average, over 90% of parents and students agree that these expectations are met and highly valued.

1. In question 8, the Submission Guide would suggest that non-state-based schools are not adequately protecting students and promoting student welfare.

Our emphasis at Northside Christian College is "Character through Christ". Our core values and beliefs are modelled around the person of Jesus Christ who valued, encouraged and included others and their welfare. We are committed to partnering with parents in providing a high-quality education that supports the values of Christian families, whilst acknowledging that each student at Northside has the freedom to walk their own spiritual journey. Student well-being counselling and pastoral care services are available for students College-wide.

1. The need for clarity regarding linking government funding with community expectations is of concern. It needs to be identified which community and what expectations are being considered.

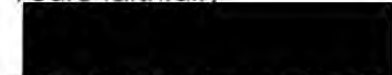
In our local school community, parents, staff and local churches' expectations are based on the College mission statement and values articulated at enrolment. It is our view that consideration should be based on the expectations of those parents who choose to enrol their children at a particular school.

1. Our final concern relates to questions 18 and 19 regarding monitoring and compliance activities being made public before fair process and appeal rights or consultation. This publication before fair due process could significantly damage a school's reputation, causing unnecessary financial and /or emotional distress to families and staff along with the financial stability of a school.

As a Non-state College founded and servicing a community through principled faith values, it is our submission that the above concerns, not given the appropriate consideration and due care, could fundamentally undermine the values, behaviour and complete well-being of a student's development as expected from the community that enrolls with a faith-based school.

We thank you for the opportunity to make the following summation on the NASSAB Framework Review and invite any further correspondence or feedback on our submission.

Yours faithfully



Deputy Principal. June Van Der Ham.



Board Chair, Nathan Bean.

19 May 2023

Cheryl Vardon, D.Univ (Griffith), F.A.C.E., F.I.M.L., M.A.I.C.D.
Independent Reviewer
Queensland Non-State Schools Accreditation Framework Review

Dear Ms Vardon,

Re: Feedback to the Queensland Non-State Schools Accreditation Framework Review

Thank you for the opportunity to provide a submission for consideration with regards to the Non-State Schools Accreditation Framework Review. Please find below feedback from The BUSY School Ltd (The BUSY School) for your consideration.

Introduction to The BUSY School

The BUSY School is a Queensland special assistance school with a network of campuses approved by the Non-State Schools Accreditation Board under the *Education (Accreditation of Non-State Schools) Act 2017*. We deliver an alternative learning solution to those students in Years 11 and 12 who are disengaged from mainstream education, looking for an opportunity to re-engage and complete their studies, secure an employment pathway or go onto further study. Our education program offers a combination of academic subjects, Vocational Education and Training (VET) and professional and personal development.

We currently operate seven campuses in Queensland: Cairns, Shailer Park (Logan City), Salisbury (South Brisbane), Coolangatta (South Gold Coast), Southport (North Gold Coast), Brisbane City and Cleveland (Redland City). The Cairns campus was our inaugural site and is the Host Site, with other campuses Associated Facilities. We predict our total enrolments across the campus network to be 740 FTE in 2023.

The BUSY School program is designed to work with students who, for a variety of reasons, find traditional schooling difficult. Often this is due to disadvantage with students coming from low socioeconomic areas, difficult home lives and/or having suffered previous trauma, mental health challenges or other social and emotional disabilities.

To support students towards educational and employment outcomes, we operate small campus and classroom environments with a high ratio of staff to students which allows our teachers, learning support and welfare officers to work closely with students in a personalised manner. Our education program aims to provide Queensland Certificate of Education (or Queensland Certificate of Individual Achievement, where appropriate) outcomes as well as a confirmed pathway to employment or progression to further education at graduation.

According to the *Education (Accreditation of Non-State Schools) Act 2017* (Qld), accreditation for special assistance is defined in S14 as the provision of a type of education (a) to relevant students; and (b) without tuition fees. Therefore, we do not charge students for tuition. Regardless, students at The BUSY School are provided all required teaching and learning resources, transport, uniforms, access to food for breakfast, morning tea and lunch, health practitioner consultations on site, both VETs funded and fee-for-service VET courses, workplace personal protective equipment, clothing for interviews and work placement, school-based apprenticeship and traineeships – anything they need to attend and complete their education. The BUSY School has made an ethical and conscious choice to provide these additional services and not charge any levies so that our students and families are not disadvantaged, can equitably access and complete senior schooling. Ours is therefore a high cost per student model of education but one which is effective in re-engaging students who would otherwise not complete senior high school and are pursuing their last chance to graduate.

1. Community expectations of schools

The underlying sentiment in contemporary society and one which challenges parents and caregivers with regards to the educational opportunities for their young people is that one size does not fit all. Society is acknowledging and embracing diversity and seeking to support young people with their individual scenarios and their choices. The education sector needs to respond to this by providing a safe and supportive environment that protects, nurtures and fosters individual student success whilst maintaining quality. Fundamentally this requires diversity within the schooling sector to provide greater choice for students, parents and/or caregivers to seek an environment that best suits the individual requirements of the young person. It also requires an understanding that success and quality looks different for different students.

The BUSY School supports a school sector that provides for a diverse offering of public and independent schooling where the local community has a choice of institution that best meets the needs of the young people within. This includes:

- A school sector that allows for different environments and niche provisions which can better support individual students, particularly those for whatever reason are not comfortable in a large school setting.
- Transparency of information regarding each school approach and outcomes which encourages and empowers parents, caregivers and students to make informed choices about the school environment best suited to them through the provision of up-to-date, accurate data.
- A regulatory setting that considers school community feedback as part of meeting quality standards – where school reviews and audits take into account student, parent/carer, industry and broader community feedback.
- An understanding that success factors do not solely rely on academic grades and participation in extra-curricular activities – where attendance, participation and completion of schooling are sometimes in themselves a major achievement and indicators of quality outcomes.
- Inclusion of local industry, skills needs and recognition that employment outcomes from school are highly regarded and considered a valid, quality outcome.
- Acknowledgement that schools need to operate differently to cater for some student needs. This may require considerations for flexible education programs, different timetables, alternative hours of operation, non-standard classroom/school spaces and additional wrap around supports which may not be seen to contribute directly to educational attainment but assist students to overcome barriers to their education.

Overall, the Accreditation Framework needs to accommodate the diversity of approaches and provide a regulatory setting where quality can be demonstrated by the different niche provisions within the school sector. This also requires a level playing field between quality public and independent institutions and consistency between State and Federal policy.

The BUSY School believes this requires more sector specific support at a regulatory level to understand alternative approaches to schooling, more peer-based review processes and a risk-based standards system to allow schools to demonstrate how they meet standards but in a manner that allows for diverse approaches. This approach is detailed further below.

2. Protecting students, promoting wellbeing

Young people are dealing with a broad range of issues relating to their health and wellbeing, of which they are much more aware of than previous generations. Schools have a critical role in supporting the wellbeing of students to overcome barriers to education and employment.

Child Safety

The BUSY School believe the current child safeguarding considerations within the Accreditation Framework are sufficient and provide adequate protections for students. Some members of the school community may feel the current framework overreaches with regards to mandatory reporting requirements, but The BUSY School feels that child safety should be a risk averse practice and embraces the current requirements on schools for student safeguarding. For the most part, members of the community expect schools to act when they have identified child safety issues.

Health and Wellbeing

As above, the health and wellbeing needs of school students are rising and schools need to be able to support them for their outcomes. School education programs should include wellbeing and holistic student development. However, The BUSY School believes that schools should not become regarded as medical centres, where students only attend to be treated for health and wellbeing issues. Schools should be expected to provide health and wellbeing supports which identify and overcome barriers to education and graduate outcomes but not be the only reason why students attend. The expectation on schools should be to provide adequate health and wellbeing screening and diagnostic assessments, adjustments and supports, then triage to local medical and community services where appropriate for high needs cases.

However, schools, particularly special assistance schools, are often required to intervene where supports are needed but not immediately available in the community. This is an explicit expectation of a school's duty of care but is often poorly understood in the regulatory settings. There are many students who are sleeping rough, homeless or without sufficient home supports but are still inherently motivated to attend an alternative school setting. Special assistance schools are often required to provide, or source supports such as food, shelter and hygiene requirements where students do not otherwise have means or access. In this way, schools go above and beyond to ensure students have access to education whilst managing their health and wellbeing. This is not recognised in the Accreditation Framework and often the subject of scrutiny regarding 'appropriate' uses of government funding. The BUSY School argues that application of funding to improve health and wellbeing of students and to remove barriers to their participation in education is entirely appropriate.

In the context of special assistance schools and the demographic being supported, external support services need to be available at no charge to students and their families. Access to fee-free health and wellbeing services is limited and often subject to long wait times, which further impacts on an over-reliance on schools to provide interim services for students. Students being supported in schools for health and wellbeing issues further supports the need for consideration and understanding of flexible timetabling and scheduling for these full-time students, which may include interim periods of reduced scheduling of weekly attendance or adjustments to timetables. This should not adversely affect the student eligibility for funding nor be the subject of questioning about appropriate use.

The Accreditation Framework should have standards which include how schools are identifying and addressing health and wellbeing needs. The BUSY School expects this would include the requirement for a school health and wellbeing plan but, as above, these standards should be non-prescriptive and allow schools to demonstrate how they are meeting these needs for their particular learning environments, student demographics and the school community as a whole.

Additionally, the Accreditation Framework should be understanding of the need to include wellbeing and personal development as a part of the educational program. Whilst holistic and personal development programs do not typically form part of accredited subjects, the Accreditation Framework should acknowledge the need for schools to establish and deliver such programs and contextualise curriculum to student life circumstances from a social, emotional and economic point of view. Education programs that include meaningful and relevant content which are tied to 'real world' outcomes and tailored for the individual are seen as best practice and result in improved engagement¹.

Learning Environments

The provision of safe, supportive spaces are critical in contemporary school environments and do not need to replicate typical or conventional classroom settings. Young people can find conventional education environments inflexible, impersonal and confining². Modern school campus infrastructure and alternative settings look different to standard classrooms and for alternative or flexible education provisions, they need to be smaller, accommodate more general learning and break out areas to allow focus on managing behaviours and supporting social and emotional wellbeing. There also needs to be recognition that some alternative school settings may resemble workplaces or present something completely unconventional than a typical school with sprawling buildings and grounds. As an example, the Out Teach program in Tasmania has been successful in educating disengaged youth from the justice system using a van fitted out as a mobile classroom³. The Accreditation Framework and associated funding of independent schools needs to account for this requirement and recognise the value of appropriate spaces for diversity of students, particularly those who appreciate practical learning or the need for quiet or alternative spaces to manage emotions. The current regulatory approach seems to focus on comparisons to the historical school infrastructure model and requires significant justification for models that are removed from this.

3. Setting the standards of education – expectations of schools

As above, The BUSY School advocates for education expectations of schools that doesn't solely rely on academic results and extra-curricular pursuits. For a growing number of students who are disengaging or at risk of disengaging from education, quality outcomes are often represented by simply attending school. Retention of students, their participation and completion of schooling are sometimes in themselves a major achievement and indicators of quality outcomes and contribute significantly to the community. When young people become re-engaged with education and complete senior schooling, there are greater community and economic benefits, including: less welfare; less criminal offending; less drain on public health; more people in employment, higher earnings and more payment of taxes⁴. If students are retained in alternative learning environments it is a better community benefit and better value to the government than the alternative. In 2017, Victoria University calculated that the lifetime cost to the Australian community of each early school leaver without Year 12 or equivalent qualifications was \$616,000 from a full social perspective⁵.

¹ Kristin Reimer & Luci Pangrazio (2018): Educating on the margins: young people's insights into effective alternative education, International Journal of Inclusive Education, DOI: 10.1080/13603116.2018.1467977

² Kristin Reimer & Luci Pangrazio (2018): Educating on the margins: young people's insights into effective alternative education, International Journal of Inclusive Education, DOI: 10.1080/13603116.2018.1467977

³ Save the Children, 2018, 'Out Teach Mobile Education wins gold, Australian Crime and Violence Prevention Awards' <https://www.savethechildren.org.au/media/media-releases/out-teach-mobile-education-wins-gold>

⁴ Chandler J, 2021, 'The value of alternative schools', Impact, Australian Catholic University, <https://www.impact.acu.edu.au/community/the-value-of-alternative-schools>

⁵ Lamb, S. and Huo, S., 'Counting the costs of lost opportunity in Australian education'. Mitchell Institute report No. 02/2017. Mitchell Institute, Melbourne. Available from: www.mitchellinstitute.org.au.

The BUSY School advocates for an open and transparent reporting of outcomes by schools, but this should not just rely on such metrics as NAPLAN, ATAR, QCE or grade averages. Arguably schools should be able to demonstrate their impact on social good and less tangible community benefits, however these are harder to measure and often the result of longitudinal studies. Regardless, The BUSY School advocates for a more holistic view of measures of meeting educational standards.

In addition, there needs to be an understanding and appreciation of the flexibility required to be able to successfully engage young people in education. As referred to above, often different learning environments can work better for disengaged youth, and this can include blended approaches on and off campus. However current regulatory settings and student funding eligibility favours the conventional on-campus attendance (days attended during census periods). The BUSY School argues that student engagement can still occur through a blended approach and through individual learning plans which may not require a student to be on-campus all the time. Also, flexible delivery of an education program does not necessarily mean it is part-time, of lower quality or come at a lower cost. Currently funding provisions for flexible/online delivery modes reflect this sentiment.

There also needs to be acknowledgement and consideration that students attending special assistance schools are likely to have variable attendance, especially at the commencement of enrolment, due to them having been disengaged from schooling. They are often dealing with complex home lives, health and wellbeing issues and require consideration of a flexible education program and timetable. This flexibility does not mean that the education program is not being progressed.

The BUSY School also believes the Accreditation Framework should provide for consistencies between State and Federal funding eligibility. Currently there are different eligibility standards which mean that students who would be eligible for Federal funding would not be eligible for State funding based on attendance during the census periods. Furthermore, there should be consistencies and flexibility for what is considered a full-time vs a part-time student based on the aforementioned variations in education programs and individual learning plans. Just because a student is not on campus every day does not necessarily mean they are not studying full time across a range of subjects and programs. It does not also mean that the school is providing less support for the student.

The BUSY School also advocates for an improvement in the connection between schooling and local industry. As above, employment outcomes and the meeting of skills needs in a local community should be seen as a high-quality outcome, regardless of academic attainment. The BUSY School believes the Accreditation Framework should recognise and value schooling which is aligned to skills development and employment outcomes whether that be through subjects that embrace practical teaching and learning at school or via industry short courses or vocational education and training. Additionally, the connection to employment via work experience should also be valued and this seems to have waned in recent times with schools concerned about risk management of students at workplaces. The BUSY School advocates for a risk-based approach which encourages student engagement in work experience and the important connection this has to pathways to employment such as school-based apprenticeships and traineeships. Furthermore, The BUSY School believe that consideration should be made for special assistance schools and niche industry colleges to be allowed additional days of work experience beyond the regulatory 30 days to enable career exploration and pathways. It is understood this consideration is beyond the scope of the Accreditation Framework review but is important to consider with regards to the need for improved linkages from school to employment.

4. Accrediting non-state schools – expectations and improvements

The BUSY School advocates for a risk-based standards system for the Accreditation Framework including the accreditation of new non-state schools or sites. This would be best facilitated in a case management approach by which case managers are assigned to schools to establish better understanding of their approach and how they are meeting the standards.

The current application process is a prescriptive list of requirements that need to be submitted as evidence in meeting elements of the *Education (Accreditation of Non-State Schools) Regulation 2017* (the 'Accreditation Regulation'). This process resembles a 'box ticking' exercise and requires the production of documents and policies meeting specific elements of the Accreditation Regulation including such details as records keeping and complaints handling. The BUSY School suggests the Accreditation Framework would be better aided by series of broad standards of which the school is required to demonstrate they meet. This would also take into account the strategic intent and continuous improvement plans of the school in the context of meeting standards, which are currently sighted in regulatory audits, but not referred to in any other context of how the institution is evolving, maturing and improving quality.

The suggested approach is similar to that of the independent higher education sector which is governed by a set of threshold standards⁶. The standards are represented by seven domains, each of which has clear scope around a part of the Higher

⁶ Australian Government, 2021, Tertiary Education Quality and Standards Agency, 'Higher Education Standards Framework (Threshold Standards) 2021': <https://www.teqsa.gov.au/how-we-regulate/higher-education-standards-framework-2021>

Education Standards Framework and commentary on what the regulator will be looking for. But providers are not prescribed specifically how they should meet these standards and therefore different approaches to demonstrating compliance and quality are facilitated.

A risk-based approach would also be aided by a sub-classification model whereby schools would be categorised according to attributes such as the size, niche provisions (e.g. special assistance schools) and risk ratings (historical and ongoing ability to demonstrate internal processes to assure quality, academic standards and integrity). This would allow a risk-based approach to changes in attributes of accreditation and those schools demonstrating capacity, capability, and a strong track record of quality should not be subject to further accreditation applications if they are changing attributes within a risk threshold. The provision of a case manager to schools would allow for a risk profile to be created for the school and a better understanding of risk associated with changes to a school's attributes.

The current accreditation process for non-state schools does not require in-person consultation with the school governing body or management. The BUSY School suggest the process to meet Accreditation Regulations would be aided by a consultation process with a case manager from the Non-State Schools Accreditation Board. This would be a similar process adopted by the Victorian Registration and Qualifications Authority and would aid the regulator in understanding the approach and intentions of the school. It would also aid in better understanding who the governing body is, how the school intends to meet quality standards and would reduce the need for often numerous and detailed requests for additional information.

Increased flexibility in delivering the Australian Curriculum is needed for special assistance schools supporting students up to Year 10. Special assistance schools require increased time to re-engage students through personal development and health and wellbeing programs; however, delivery requirements for the Australian Curriculum restrict a school's ability to implement personalised programs for disengaged students. Additionally, flexibility needs to be considered for special assistance schools starting senior schooling in Year 10. For special assistance schools starting in Year 10, flexibility and consideration is needed for subjects that are typically taught across Years 9 and 10. Allowances for reduced delivery time and in some cases exclusion of some subjects within the context of senior schooling, Years 10 -12, needs to be considered.

5. Maintaining standards through monitoring and compliance

As per section 4, The BUSY School preferred approach to maintaining accreditation standards is through a case managed risk-based standards system. A case management approach would also allow NSSAB to monitor risk and compliance on a more regular and ongoing basis as opposed to 6-month and 5-year reviews. Regular reviews with the school which informs a risk-based profile would allow NSSAB to flag any concerns in a timely manner and also allow the school better opportunity to communicate questions or concerns in real time. Currently there seems to be significant reaction to events such as an escalated complaint to NSSAB which can trigger full and prolonged audits. A case management and risk-based approach would alleviate the need for such reactions and allow the school and the regulator to work through the issue with a better underpinning knowledge and risk profile on hand.

The BUSY School also advocates for a peer-based review process on an ongoing basis. It is important that the regulator engage personnel in the risk-based approach who understand the sector the school reside in. This is particularly important for growing sectors such as the special assistance schools. Currently the 5-year review process incorporates peer review, but this does not require a sector specific peer. Likewise, NSSAB audits are conducted by consultants, few of which have experience or knowledge in the niche provisions of alternate schooling such as the provision of flexible schedules for full-time students that encourage QCAA course completion both at school and offsite with external providers, such as registered training organisations, work experience and school-based apprenticeship and traineeships.

6. Striking the right regulatory balance

The BUSY School welcomes a rigorous regulatory process which is engaged with new and existing non-state school institutions on an ongoing basis. NSSAB currently engage with established schools in the sector on a regular schedule of audits or in response to specific events which require intervention or response from the institution. Often this engagement is with consultants and not with members of NSSAB. It is currently difficult to consult with members of the Board or the Secretariat for questions, scenarios or advice.

As above, The BUSY School supports more ongoing continuous engagement with the regulator which provides for a case management and risk-based approach, including:

- The provision of case managers to non-state schools who can better understand the institutions, establish a relationship with them and provide timely advice or direction on regulatory matters when required. This approach has worked well within the tertiary education sector and allows for a risk-based ongoing monitoring framework which allows for case managers to raise potential issues early with schools/sites, issue show cause notices and then,

should it be required, to elevate issues to the regulatory agency, if required. This approach also allows for representatives of the regulator to better understand each school, particularly if they are niche institutions.

- A peer-based review process on an ongoing basis to aid case management and sector-specific understanding of schools so their context and approaches can be better understood.
- The consideration of a sub-classification model to categorise institutions which would consider the size, niche provisions (e.g. special assistance schools) and risk ratings (historical and ongoing ability to demonstrate internal processes to assure quality, academic standards and integrity) of non-state schools. This differentiation would allow for a greater understanding of each sub-classification within the sector and help distinguish those who provide capacity, capability, and a strong track record.

7. The importance of powers

The BUSY School preferred approach of a case managed risk-based standards system would allow NSSAB to identify high risk schools and monitor them regularly. Those schools unable to demonstrate continuous improvement and who present high risk could be sanctioned/restricted for any changes to their attributes of accreditation or worst case, have their accreditation removed. The BUSY School believes that regulators need to have power to uphold standards and restrict low-quality, high-risk institutions.

8. Good governance

The BUSY School advocacy of a case managed risk-based standards system would improve information available to NSSAB and facilitate better understanding of the schools making up the independent sector. It would also streamline the information being provided to the regulator, provide sight on risk profiles and likely improve on quality and timeliness of outcomes.

Contact:

Lee Aitken
Chief Executive Officer
The BUSY School

