

Queensland Non-State Schools Accreditation Framework Review:

Submission Guide

On 15 March 2023, the Honourable Grace Grace, Minister for Education, [announced the appointment](#) of Ms Cheryl Vardon to undertake an independent review of the Non-State Schools Accreditation Framework (the Review).

The purpose of the Review is to make sure the Non-State Schools Accreditation Framework (the Accreditation Framework) is fit for purpose, supports the provision of quality education and maintains public confidence in Queensland's non-state schools.

This guide is intended to assist you in making a submission to this Review, in line with the attached [Terms of Reference](#). The guide provides a thematic approach to the Terms of Reference, mapping each term to the relevant theme.

We have also included questions to consider in preparing a submission. While these questions are provided as prompts, it would be helpful if your submission could address those most relevant to you or your organisation. This will assist in the development of findings and recommendations.

Review principles

The Review will be guided by the following principles:

- Students and their families are at the centre of the Review.
- A quality, safe and supportive educational environment is essential for students to learn and thrive.
- Choice of schools for families is an important part of the Queensland education system.
- Consultation and collaboration will underpin findings for a contemporary regulatory environment.

Review context

Nearly 300,000 students—or approximately one-third of all Queensland students—attend a non-state school. There are currently 184 governing bodies, which oversee 546 accredited non-state schools in Queensland. This comprises 312 Catholic and 234 independent schools.

School education in Australia operates within a federated system. Public funding for non-state schools is provided by both the Queensland Government and Australian Government, with the Australian Government providing the majority of public funding. States are fully responsible for regulating the non-state school sector in their jurisdiction.

In Queensland, the Non-State Schools Accreditation Board (the Board) accredits and regulates the non-state school sector. The Board is an independent statutory body. It receives administrative and operational support from a Secretariat within the Department of Education.

In 2020, the Queensland Government committed to 'further investigate the operations of the Non-State Schools Accreditation Board, including consideration of an operational unit independent of the Department of Education.' The outcomes of this Review will inform consideration of these matters.

Challenges and change

Students and schools have faced many changes and challenges since the *Education (Accreditation of Non-State Schools) Act* (the Act) commenced in 2017.

In 2020, the COVID-19 global health pandemic meant a rapid transition to remote learning. While the full implications of the pandemic are yet to be understood, the impacts are already being felt. For example, there has been an increased need for mental health and wellbeing support for students.

Enrolments in distance and special assistance schools and home education registrations have also grown significantly since the Act commenced in 2017.

The past five years have also seen some landmark events in Queensland.

The Alice Springs (Mparntwe) Education Declaration was signed in 2019. It provides guiding principles for education for the next decade, placing students at the centre of their education. The Declaration emphasises the importance of meeting individual needs and the role of education in supporting the

wellbeing, mental health and resilience of young people. There has also been increased state and Commonwealth investment to support student wellbeing.

The *Human Rights Act 2019* requires departments and organisations providing public services—including the Board and state schools—to act and make decisions compatible with the 23 protected human rights. These include the right to education; freedom of thought, conscience, religion and belief; protection of families and children; and privacy and reputation.

Education Ministers endorsed the revised Version 9.0 of the Australian Curriculum last year, which includes explicit teaching of consent and respectful relationships in age-appropriate ways.

There have also been a number of state and national legislative reviews and reforms that may have significant impact on non-state schools. These include the review of *Queensland's Anti-Discrimination Act 1991*, the Australian Law Reform Commission's Religious Educational Institutions and Anti-Discrimination Laws Inquiry, the *Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse*, and Queensland's new *Managing Psychosocial Hazards at Work Code of Practice 2022*.

These changes and challenges highlight the need for a contemporary Accreditation Framework that responds to community expectations.

Key terms used in this guide

There are a number of terms used in this guide that are intentionally undefined, as we are particularly interested in understanding what these terms mean to you. These include, for example, quality education, contemporary regulation, community expectations and student wellbeing.

Other key terms used in this guide are defined as follows:

- **Standards/Standards of education:** The standards of education at non-state schools are not defined under legislation. For the purpose of this Review, the term 'standards' refers to the community benchmarks to which non-state schools should be held.
- **Accreditation criteria:** Refers to the accreditation criteria prescribed under section 11 of the Act and as further defined in the *Education (Accreditation of Non-State Schools) Regulation 2017* (the Regulation). These sections relate to criteria that schools must satisfy. It does not capture criteria that governing bodies must satisfy to demonstrate their suitability, or state government funding eligibility criteria. 'Accreditation criteria' and 'standards' are sometimes used interchangeably within the education sector. However, the term 'standards' is not defined under the Act (see above). This review will use the term 'accreditation criteria' when referring to these specific legislative and regulatory requirements.
- **Non-State Schools Accreditation Framework (Accreditation Framework):** Refers to the Act and Regulation and associated architecture giving effect to the legislative requirements. This comprises the independent Board and Board Secretariat situated within the Department of Education.
- **Regulatory framework:** Refers to the Accreditation Framework (see above) combined with the broader legislative and policy requirements with which non-state schools must comply. For example, *the Education (General Provisions) Act 2006*, *Education (Queensland College of Teachers) Act 2005*, *Australian Education Act 2013* and the National School Reform Agreement.

How to make a submission

Written submissions, which are encouraged to consider the questions outlined below, should be emailed to NSSAF.Review@qed.qld.gov.au.

Please include the name of your organisation and contact information in your submission. All submissions will be published online, unless the submission clearly indicates it is provided in confidence.

Submissions close at **5pm, Monday, 15 May 2023**.

The Independent Reviewer will also hold a small number of roundtables. To express your interest in participating, please email NSSAF.Review@qed.qld.gov.au.

Questions to consider in preparing a submission to the Review

1. 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 schools important?
2. What issues have been raised with your organisation that can shed light on community expectations for non-state schools?
3. What contemporary issues should the Non-State Schools Accreditation Framework seek to address?
4. How can the Accreditation Framework support a quality Queensland non-state schooling sector?
5. How can a quality, contemporary Accreditation Framework enable school communities, including students, to have a voice in how schools are run?

2. 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?
7. In what way should the Accreditation Framework embed concepts of student health and wellbeing and set associated expectations of non-state schools?
8. Are there any changes needed to better protect students and promote wellbeing?

3. 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?
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?
11. To what extent do the government funding eligibility criteria under the Act align with community expectations?

4. 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?
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?
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?
15. To what extent do the current requirements for suitability of a governing body meet contemporary standards of education?
16. How does the ongoing nature of the accreditation of non-state schools align with community expectations and contemporary accreditation principles?
17. Commencement of the Act in 2017 streamlined accreditation processes. What, if any, impact have these changes had for the sector?

5. 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?
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?
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?
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?

6. 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?
23. Are there any areas within the Accreditation Framework where regulatory and administrative processes should be strengthened to meet community expectations and uphold standards?

7. 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?

8. 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?

TERMS OF REFERENCE

REVIEW OF THE ACCREDITATION FRAMEWORK FOR NON-STATE SCHOOLS IN QUEENSLAND

This review will examine the framework governing accreditation of non-state schools in Queensland, including the *Education (Accreditation of Non-State Schools) Act 2017* and *Education (Accreditation of Non-State Schools) Regulation 2017*.

The review will consider how the current framework operates and where appropriate inform development of amended or new legislation to ensure the non-state schools accreditation framework continues to reflect a contemporary regulatory environment.

The review will include:

Research

- a. comparative analysis of non-state school accreditation, monitoring and regulation functions of relevant regulatory bodies in other jurisdictions, including associated criteria and/or standards;
- b. consideration of other relevant accreditation, regulatory or standards frameworks as appropriate, including:
 - the legislative framework for state schools in Queensland, to the extent this may act as a point of reference for accreditation of non-state schools;
 - intersections with other relevant legislative provisions in Queensland such as matters related to staffing or unaccredited settings in the *Education (Queensland College of Teachers) Act 2005* or *Education (General Provisions) Act 2006*;
- c. comparative analysis of models of governance, decision-making and administrative support associated with regulation of non-state schools in other jurisdictions;
- d. consideration of findings and/or recommendations from other state or national reviews, reforms or initiatives that may inform enhancements to the Accreditation Framework for non-state schools in Queensland;
- e. consideration of non-state schooling stakeholder perspectives about how the Accreditation Framework can support a quality, contemporary non-state schooling sector in Queensland;
- f. consideration other legislation and/or government policies, for example, in relation to privacy and human rights that may inform elements of an Accreditation Framework.

Powers, functions and standards

- g. identification of the powers and functions needed to support high standards of education and maintain public confidence in the operation of non-state schools in Queensland, including consideration of whether these enable:
 - a flexible approach to adapt to community standards as required from time to time;
 - proactive and responsive approaches to monitoring and regulation;
 - a risk-based approach to regulation, providing for strong regulatory action when required;
- h. consideration of accreditation and eligibility criteria that reflect and meet government, community and stakeholder expectations of standards for non-state schools;

Regulatory burden

- i. consideration of how to minimise regulatory and administrative process for the sector and regulator, while maintaining standards;

Governance and funding

- j. identification of any enhanced model/s of governance, decision-making and administrative support associated with accreditation of non-state schools that are most appropriate to support the objectives, powers, functions and standards that make up an effective Accreditation Framework – noting that where relevant, the Queensland Government Public Interest Map should be considered when identifying any enhanced models of governance;
- k. consideration of potential resourcing impacts and efficiencies in relation to the sustainable delivery of functions and powers where appropriate.

Noting the independence of the Non-State Schools Accreditation Board (NSSAB) and associated confidentiality requirements, the review will not examine the way in which the NSSAB exercises its functions and powers, or decisions taken in doing so.

It is also not intended for the review to consider, investigate, or make findings or recommendations about: state schooling; home education; government funding of non-state schools; or regulatory or standards frameworks in other fields.