

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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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?

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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.

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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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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

References

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6. *Education (Accreditation of Non-State Schools) Regulation 2017.* 2017.
7. Parliament_of_Queensland, *Education (Accreditation of Non-State Schools) Act 2017.* 2017.
8. Parliament_of_Queensland, *Education (General Provisions) Regulations 2017.* 2021, Parliament of Queensland: Brisbane.
9. See, S.-M., et al., *The Australian Principal Occupational Health, Safety and Wellbeing Survey 2022 Data.* 2023, Australian Catholic University: Melbourne.
10. Billett, P., et al., *Teacher Targeted Bullying and Harassment by Students and Parents: The East Coast Project.* 2020, La Trobe University, Swinburne University: Melbourne.
11. Billett, P., R. Fogelgarn, and E. Burns, *Teacher Targeted Bullying and Harassment by Students and Parents: Report from an Australian Exploratory Survey.* 2019, La Trobe University: Melbourne.