

## RESPONSES TO QUESTIONS FROM THE DISCUSSION PAPER

- **A. Child Safety, wellbeing & behaviour management**

### Question 1:

**“Should all non-government schools be required through the Act to adhere to the Child Safe Standards? Should this be applicable to all schools, government and non-government?”**

AISNT fully supports that all schools should adhere to the Child Safe Standards and that this should be a legislated requirement. There is a concern that the standards are included in an established legislative instrument and that this instrument should be referred to in the NT Education Act in order to ensure currency and capture any changes as they may occur.

### Question 2:

**“Should the Act provide standards for suspension, exclusion and expulsion for non-government schools?”**

It was agreed that notification of expulsions should be included in the Act as this will support the effort to ensure all students are in school or their whereabouts known.

It was agreed that suspensions and exclusions should not have standards provided under the Act as students will still be under the care of the schools from which they are suspended or excluded. It is agreed that recommended guidelines could include standards pertaining to suspension and exclusion.

### Question 3:

**“Should there be a legislative requirement for non-government schools to notify the registrar/department of a student suspension, exclusion or expulsion?”**

It was agreed that notification should be provided only in the instance of expulsion.

### Question 4:

**“Should information sharing provisions be strengthened within the Act to allow the department to better respond to vulnerable students? What should be in and out scope for information sharing?”**

It was agreed that this sits with the Department of Families. There would be significant difficulties in having this enshrined in Part 7 of the Act due to a number of factors including Privacy legislation.

### Question 5:

**“Should the Act be amended to include an additional provision for non-government schools to encourage school attendance?”**

This requirement was seen as superfluous. Non-Government Schools rely on healthy student enrolments and attendance to survive. All non-Government schools encourage student attendance to maintain their economic viability.

- **B. Viability and financial reporting**

#### **Question 6**

**“Should there be a legislative requirement for a non-government school, or sector, to provide advice on barriers to operations?”**

This question is unclear and open to interpretation in relation to what is meant by barriers to operations. Independent schools currently have multiple levels of checks and balances applied to them to ensure their viability. This includes the NT Education Department and Australian Government reporting requirements. These requirements are extensive and thorough.

#### **Question 7**

**“Should the Act better recognise the varying models of governance and operation within the non-government sector? For example, the situation that many non-government schools sit within a broader system of schools? Should financial accountability and reporting requirement extend to these bodies?”**

The AISNT response mirrors the LESNW response below.

“As all member schools are separately incorporated, the accountability and reporting obligations rest with the respective school governance. The accountability and reporting should not be extended to include system authorities.”

#### **Question 8**

**“How should the Act be amended to strengthen the financial provisions?”**

The requirements around the financial provisions for Independent Schools are substantial and schools are already thoroughly scrutinized in this area.

### **C. Registration**

#### **Question 9.**

**“How should the existing registration requirements be updated?”**

Do they require updating?

If they do, there needs to be more discussion on what these changes would look like and why.

The registration of schools in the non-Government Sector needs to be undertaken via an Independent process by an Independent Registrar. The process that underpins the Act is where it is believed improvements about expectations for what is required to be provided is made. The Act itself should contain reference to an unbiased, independent process.

#### **Question 10.**

**“Should the registration requirements be amended to allow for a greater focus on the effectiveness of how requirements are operationalised?”**

Having a review approximately 18 months after the commencement of a newly registered school could be included to ensure the school has operationalized requirements of its registration.

**Question 11. “How should the registration requirements be set out within primary legislation, regulation and/or policy?”**

They should be contained in policy.

#### **Question 12:**

**“Should the Act be amended so that greater oversight is afforded, and guidance provided, to new schools in their first 12 months of registration? If so, which option would be the most effective and why?”**

This is a matter for policy rather than the Act. It should be carefully considered what oversight would look like and who would undertake this role. There would also need to be careful consideration on the types of requirements that could be placed on schools and the supports that could be provided to assist the schools.

There is no support for the inclusion of provisional registration in the Act. The ramifications of withdrawal of registration after a set period of time are extensive.

- **D. Assessment and review**

**Question 13**

**“Should the processes for assessment, registration and routine, be combined so that there is one pool of qualified and trained persons? Should this pool be extended to include investigators conducting a special investigation?”**

This is an operational issue and should be contained in policy.

**Question 14:**

**“Should the Act be amended to include training requirements for assessors? Should this also apply to investigators?”**

This is also an operational issue and should be contained in policy.

**Question 15:**

**“Should processes for assessment be more flexible to allow for multiple schools to occur concurrently through a school system or school group? Should this principle also be extended to the registration process?”**

The answer to this is no. It is the school that is either being assessed or registered not the system.

- **E. Decision-making and review**

**Question 16**

**“Should the Act be amended to include NTCAT as a recourse available to a decision made by the registrar?”**

The answer is yes. It is already an option but just not explicitly stated.

**Question 17:**

**“Should greater clarity be provided within legislation of the role and duties of the registrar in exercising their powers under the Act?”**

It is agreed that this is a necessity. The role needs to be independent and unbiased with all accountability being to the Minister. There needs to be a clear division the Registrar and the NT Department of Education.

- **F. Complaints and special investigation**

**Question 18:**

**“Should the Act be amended to include specific requirements on complaint response for non-government schools and/or the governing body?”**

This is procedural and embedded in all Independent School policies. These polices are required for sighting at all routine assessments and special investigations. We support the principles of procedural fairness.

**Question 19:**

**“Should the role and responsibility of the registrar in responding to complaints relating to a non-government school be provided within the Act?”**

The AISNT response mirrors the LESNW response below.

“It would be appropriate that complaints process similar to that implemented in South Australia be adopted. Importantly, this includes referring the complaint to the school in question if it considers the complaint can be dealt within their established procedures for handling complaints or will be dealt with by the regulatory authority if complaints are of a nature that could constitute non-compliance with registration requirements. “

We would add that there should be principles of procedural fairness applied to ensure complaints are neither vexatious, malicious or untrue.

**Question 20:**

**“Should the Act be updated to make more explicit the disciplinary action that can result from a special investigation? Should the current disciplinary provisions (variation, suspension or cancellation of registration) be reviewed, and penalty units added?”**

It would be difficult to be explicit about the disciplinary action that could be applied to breaches uncovered by special investigations. If it is determined that there are breaches it would need to be ascertained if and how schools could be supported to remedy the breach. In the case that a school was in breach to a degree that was severe enough to close the school due to insolvency, or other such serious situations, then the Registrar has the power to approach the Minister with a recommendation for closure. Disciplinary provisions and penalty units were never considered in the formation of Part 7 of the Act by the government of that time as it was focussed on registration, routine assessments and investigations for non-government schools being supportive in nature.

Why has this very punitive approach crept in?

**Question 21:**

**“Are there any other areas of the Act where you would like to see reform?”**

AISNT agrees that the Registrar should be a Ministerial Appointment and that the position should be independent of the NT Department of Education. The Registrar should be impartial, Independent and free of conflict of interest.

Thank you for allowing the Non-Government Sector the opportunity to comment on this very important Discussion Paper.

Gail Barker

Executive Director

The Association of Independent Schools of the Northern Territory.