

A. Child Safety, Wellbeing & Behaviour Management

Question 1.

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

Yirralka Education supports the National Principles for Child Safe Organisations which are already set out in National legislation. We believe it appropriate that the legislation require all NT schools, government and non-government to comply with the National Principles for Child Safe Organisations. The Child Safety Standards are a means of achieving the Principles.

Question 2.

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

No. The Act should detail a set of principles that govern the standards, e.g. currently the Act states that procedural fairness must apply. The Act should not govern operational details of how the principles are managed. Procedural fairness should remain the basis for all matters pertaining to management of student behaviour across the broad range of complex contexts and multiple interests in the NT.

Each individual school has standards and expectations of behaviour and behaviour management established as part of their culture and ethos. These must not be legislated.

Question 3.

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

There must not be a legislative requirement for non-government schools to notify suspension or exclusion of students. We are close to, and work with our wider school community and cannot imagine suspensions let alone expulsions taking place. Nevertheless, suspension or exclusion of students would be a long way down the school's behaviour management process with students always welcome to return.

In the unimaginable event of expulsion at school, notification should be provided.

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?

No, further provisions should not be included in the Act or labelled as 'strengthening'.

The Department of Families can access information on particular students, and schools can discuss students with Family services. It is the school where the student is enrolled and attends that is best able to respond to student and family needs. Likewise, a student's current school and context should be the determinant of whether the request for information is in the best interest of the student, not the Act.

Non-government schools will always ensure that sharing information remains confidential, and that sharing is in the best interest of the students and informs their education, welfare, safety and care. The NT has a high staff turnover, coupled with employees rapidly being given positions of responsibility without reasonable time invested in grounded experience, policy and procedural understanding, or

time to develop cross cultural understanding. Legislating for increased sharing of information in these circumstances leaves students' and schools' confidential information and wellbeing vulnerable.

Mapuru Yirralka College is regularly asked by a range of DoE Schools, their Principals and Attendance Officers to provide current enrolment details for the entire college, revealing a lack of understanding of privacy regulations or the independence of non-government schools. Further to this, Yirralka Education has experienced confidential information sent to government being freely distributed to members of the public.

Question 5.

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

No. The Act must not be amended to include this. The Yirralka Education Board and Mapuru Yirralka College understand the critical importance of regular, engaged attendance for the future of its students, family well-being and town. They also understand the critical relationship between attendance and the viability of their non-government school. Families and the college employees work tirelessly to implement systems, processes, curriculum and activities to raise attendance.

At Mäpuru, further enforced legislation would be viewed as punitive, under-valuing and negating the mammoth effort that our parents currently put in place to encourage and support regular attendance and whole school operations.

Schools already report on student attendance through NT DoE 4 Weekly Collections, Annual Reporting to the NT and to the Commonwealth Semester 1 and 3.

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?

The term '*barriers to operations*' needs to be further defined and clarified. Legislating for notification of barriers might be dependent on severity or time frame involved, eg if the barrier effects long term viability of the school, systemic barriers or operational barriers such as impaired water supply.

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?

No, not in the Act. Each school has its own incorporated governing body that is already accountable for meeting compliance, financial and reporting obligations.

In a system of schools, the individual school could be reported on alongside the viability and visibility of how income attracted by students in individual schools is used for those students.

The legislation should seek to reduce, not increase red tape.

Question 8.

How should the Act be amended to strengthen the financial provisions?

Yes, the legislation should be amended to establish the requirement for a formal agreement between each non-government school or a system of schools and the NT Government that explicitly commits to the 20% funding.

No, because all member schools are already providing the non-government schools authority with, or are subject to:

1. Audited annual financial statements and auditors report by 30 April each year
2. Operational report in the form of an Annual Report
3. 5-year Registration Review Process

Including:

- Financial plan
- Business plan
- Academic plan

These provisions are sufficient.

C. Registration

Question 9.

How should the existing registration requirements be updated?

Updating existing registration requirements needs to begin with the establishment of an independent body, ie not a section of DoE authorised to oversee non-government schools. This should be a ministerial appointment, not part of the DoE reporting to the CEO.

Registration should be related to high order principles and policies not operational procedures and processes. Therefore, any update should be based on principles and policies.

School improvement considerations should not be a requirement for registration.

Question 10.

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

No. Registration should be decided upon whether or not a school meets the requirements for registration.

If a school is not meeting requirements, a school should be given a reasonable opportunity to take remedial action, and provided with support to do so. Registration should not attempt to reflect effectiveness of operation, which is often a subjective assessment.

This should be undertaken by an independent body, not by an officer(s) from within the NT DoE.

Question 11.

How should the registration requirements be set out within primary legislation, regulation and/or policy?

No, the current legislation is adequate.

As detailed in the response to Question 9, the registration should focus on high order principles and policy and be undertaken by an independent body, not the NT DoE.

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?

No, oversight and guidance to newly registered non-government schools must not be legislated. Currently the provision of guidance comes through the AISNT and other member schools. This is the organisation that best understands and can meet our needs.

If so, which option would be the most effective and why?

Seek advice from AISNT and all member schools towards developing a ground-up process to identify how best to support and mentor newly registered schools. Why? Top-down directions are exclusive, lack the necessary experience to advise and often fail to deliver positive outcomes.

As mentioned above, we recommend the establishment an independent body to support newly registered and existing non-government schools. We further recommend:

- Successful applicants seeking non-government school registration be fully registered in the first instance. *This change is necessary because provisional registration creates overwhelming uncertainty for the community, staff and parents. Provisional registration also negatively impacts the ability of securing funding from financial institutions.*
- Initial assessments be conducted by an independent body between 12 – 24 months from the commencement of operation.
- Where the Registrar has concerns regarding compliance, then clear guidance, support and accountability measures would be put in place with a review timeframe.

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 operational and therefore must not be included in the Act.

A panel, whether for routine assessment or investigation needs to be an expert panel with training and cross-sector representation with no real or perceived conflict of interest, to report to an independent body. Continue with current 5 year assessment cycle.

Question 14.

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

No, the provision of training for assessors must not be legislated. This is an administrative matter which should be not be legislated. The training for assessors needs to be provided for within a yet to be formed independent body.

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?

All registration, assessment and review processes need to be undertaken by an independent body, an expert panel with training, cross-sector representation and with no real or perceived conflict of interest.

In systems of schools who operate under the same set of policy and guidelines, some aspects might be brought together to assess together but each individual school context needs to remain the main focus.

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?

Yes, NTCAT should be included in the Act. This is appropriate natural justice.

Question 17.

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

Yes, with a particular focus on the independence of the registrar as a ministerially appointed body not linked to DoE.

F. Complaints and special investigation

Question 18.

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

The Act should capture the principles for complaint investigation but not the process.

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 Registrar is to ensure that the principles of complaint management are followed. The registrar should not be involved in decisions or outcomes that result in complaint handling processes. The complaint should firstly be referred to the school in question to follow established procedures for complaint handling. It should only be referred to the regulatory authority if complaints have not been dealt with by the school, or are of a nature that could constitute non-compliance with registration requirements.

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?

No, the provisions of the Act do not need to be amended. The decision for disciplinary provisions needs to be made by the minister and not the Registrar or the DoE CEO. Clarity on complaints that do constitute grounds for disciplinary action has merit. Yirralka Education does not agree with the introduction of penalty units in the legislation. Issues of non-compliance should be addressed over time with opportunities to address issues.