

A. Child safety, wellbeing and 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?

We strongly support the Child Safe Standards and National Principles, but also note that Child Protection requirements are already established in Territory and Commonwealth legislation. It would be good to understand the purpose for also including a requirement in the *Education Act 2015*.

Should it be included in the *Education Act 2015*, it would not be appropriate for this provision to simply apply to non-government schools, and therefore would not be an appropriate inclusion in Section 7. Rather this provision would then need to be included elsewhere in the Act to ensure all schools, government and non-government, are subject to the same regulation in the critical area of Child Protection.

Question 2. Should the Act provide standards for suspension, exclusion and expulsion for non-government schools?

Currently a non-government school must demonstrate it has a policy for disciplining students and that procedural fairness applies. This is an appropriate principle for the registration and assessment of a non-government school, much more than this has the potential to lead to unnecessary operational overreach. It is, however, appropriate that the Act to establish clear principles to govern an independent (as well as government) schools standards in this area.

In the case of suspension and exclusion, non-government schools have an equally high interest in ensuring the wellbeing of any at risk students involved, and it is appropriate that these students continue to be cared for within the structure and policies of the school they attend.

Considering the jurisdictional comparison, the following specific provisions in the ACT legislation would be supported by NT Christian Schools:

- a 20-day limit for suspensions
- suspensions, transfer or exclusions must occur on the grounds of persistent non-compliance, violent or disruptive behaviour*
- giving the student opportunities to learn while suspended

**We note however, that these circumstances are often incredibly complex and the best protection is to ensure procedural fairness in all decision making, which is already in place.*

Question 3. Should there be a legislative requirement for non-government schools to notify the registrar/department of a student suspension, exclusion or expulsion?

We would not immediately support the additional administrative step of providing notice regarding this to the Registrar regarding suspension or exclusion without a clear understanding of the purpose for this, given the fact that the students are still fully in the care of the school during any suspension, transfer or exclusion period.

In the interest of ensuring at risk students are appropriately supported, NT Christian Schools agrees with increasing visibility of expulsion, and would support notifying the Registrar/Department (only) in the event of student expulsions.

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?

The principles of information sharing are applicable here, information should be shared in the best interest and for the benefit of the student.

There are already some processes in place that support the sharing of information across schools, in order to provide support for student learning and benefit student outcomes. These processes should ensure information goes with the child for the purpose of supporting their education. The flow of information between the government and non-government sector schools would be equal and contained to the specific context the child is learning in. We would support strengthening these processes to ensure that the sharing of information about a student between schools which the child attends is not unreasonably denied for government and non-government schools alike.

It is challenging to imagine a circumstance where a child's individual information would be shared at a sector level for the benefit of that child specifically, and we do not support this.

We do not support Departmental access to whole school or whole systems lists of students, and would be seriously concerned about the privacy implications of this.

Question 5. Should the Act be amended to include an additional provision for non-government schools to encourage school attendance?

School attendance and engagement is of critical concern to the non-government sector. Principals already engage in a range of activities and processes which encourage students to attend school regularly, and help parents to encourage their children to attend school regularly. Non-government schools do not need legislative provisions to encourage this further, and it is unlikely that there would be any practical difference to students and families with regard to this. Moreover, it is possible that a legislative approach to this would have potential to turn what works best as a creative, and deeply relational exercise into a tick box approach, which may ultimately damage good outcomes for students and families.

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?

'Barriers to operation' has the potential to be interpreted in many ways. It would be good to have greater clarity on what is meant by this phrase. NT Christian Schools recognises that any barriers that may impact on the viability of a school need to be reported, however it would also be critical for non-government schools to have clarity and a level of transparency of what mechanisms they might expect to assist in overcoming long term barriers to operation. NT Christian Schools would not support a requirement to report short term, operational barriers (for example, water issues, etc.) without greater clarity of the purpose for this as it increases the administrative load for no discernible purpose.

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?

NT Christian Schools fully supports transparent and clear financial accountability and reporting requirements for systems. This would correlate however to a reduction in the need for individual schools to provide the same data repeatedly in circumstances where schools operate under a single legal entity and maintain a consolidated financial

report accordingly. Should an amendment eliminate this bureaucratic discrepancy and reduce the red tape for all, that would be welcome and – we imagine – beneficial for all involved.

We believe that accessible audited financial statements, in conjunction with the Financial Questionnaires already completed provides opportunity within the current provisions for financial accountability and reporting.

Question 8. How should the Act be amended to strengthen the financial provisions?

The funding arrangement for non-government schools in the NT is not aligned, however this is specifically with regard to the obligations of the Territory to provide financial assistance to non-government schools. This is acknowledged by all parties, however there is no change to the underfunding of non-government schools in the Northern Territory by the NT government. NT Christian Schools would strongly support amending financial provisions of the Act to explicitly commit to the 20% funding arrangement set out under the national funding agreement.

Beyond this, non-government schools are already (and appropriately) subject to significant financial oversight, which includes the obligations for financial reporting schools are required to submit as legal entities. We believe that:

- annual audited financial statements and auditors reports;
- annual Financial Questionnaire
- operational reports in the form of the annual report;
- ASIC and ACNC reporting and oversight obligations, including annual reports;
- funding agreement obligations; and
- regular registration reviews

are sufficient provisions conducted by the appropriate authority in each circumstance.

C. Registration

Question 9. How should the existing registration requirements be updated?

It is not clear that they should necessarily be updated or what the imperative for this is.

NT Christian Schools endorses the position that *the registration requirements within the Act are high-level and principles based. Further details around the requirements can be stipulated through regulation and/or policy.*

NT Christian Schools generally agrees with the extended list in the proposal for reform, although notes that for the purposes of registration this can only be based on principles and policies. As such, it appears inappropriate to consider School Improvement provisions for the purpose of registration. We believe this should be removed from the list.

With no reflection on the people involved, the position of the Registrar of non-government schools sitting within the Department of Education is a challenge and should be addressed. We would strongly support this being a Ministerial appointment in order to manage the (perceived or actual) conflicts of interest more appropriately.

Question 10. Should the registration requirements be amended to allow for a greater focus on the effectiveness of how requirements are operationalised?

An appropriate assessment of the registration requirements would surely be that they are either being met, or not. Where they are not being met schools should be provided with opportunity to remedy.

Effectiveness is an extremely subjective assessment. We do not believe it is an appropriate test for registration purposes. Where a school is not operating effectively that becomes a matter for parent choice to regulate based on the quality of the product.

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

Apart from the desire for the Registrar to be fully independent NT Christian Schools believes the current provisions are sufficient.

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?

The current situation, where a school is registered and then there is no mechanism for checking how they are going for five years is problematic and does not provide the best support possible to a newly established school, especially one operating without a system of support.

NT Christian Schools would support the proposal of Option 2, to provide for an initial assessment. It is possible that 60 days is too short a minimum time period however, and we would propose that the school be running for a minimum of half a year prior to the initial assessment being conducted.

We do not support Option 1 as provisional registration may have inadvertent impacts on funding which would impact the success of the school before it had opportunity to start.

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?

While NT Christian Schools supports strengthening the training for people undertaking registration and routine assessment, this is a matter for policy.

NT Christian Schools has no objection to the creation of a trained pool of people for all the above stated purposes, given the limited number of people in the NT. There would need to be sufficient breadth and representation, with people who understand the non-government sector prioritised for the pool. Normal conflict of interest issues would also need to be managed. It would be appropriate for there to be high levels of transparency with non-government representatives and leadership regarding training approach and materials, the people within the pool, the management of the process, etc. This would all be most appropriately covered within policy.

Question 14. Should the Act be amended to include training requirements for assessors? Should this also apply to investigators?

While NT Christian Schools supports strengthening the training for people undertaking registration and routine assessment, this is a matter for 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?

This measure would be welcomed by NT Christian Schools with regard to financial and governance structures, we would support ensuring that local schools have appropriate opportunity to speak to the teaching and learning that happens in local context.

As a system with seven schools NT Christian Schools would be able to ensure both local schools and broader system processes happened concurrently, but we imagine this would be impractical for systems with a great number of schools. We would not like to see appropriate local school analysis and focus be compromised for the sake of this efficiency.

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?

It would be appropriate to do so, and in line with the principles of procedural fairness

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, this would be welcome in principle. It would be necessary to understand what was proposed prior to commenting on particulars or endorsing this more fulsomely.

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?

Non-government schools are already required to have a complaints policy and respond to concerns raised by those accessing its services. The proposal for reform to *have the Act be amended to include specific direction to develop and implement a policy, as well as investigating complaints as soon as practicable* is redundant. A schools complaints policy should be publically accessible and clearly set out. It must allow for procedural fairness at every stage and for referral of the issue to an independent mediator where necessary. Furthermore, stakeholders have numerous paths for recourse depending on the nature of their complaint.

Should an issue continue to be unresolved by a non-government school, parents/carers have the option to withdraw enrolment, which has a significant financial and reputational impact for schools already.

We appreciate the value of formalised procedures to implement policy in this area, but believe that an amendment to the Act with regard to this issue is unnecessary.

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?

NT Christian Schools would welcome greater clarity with regard to the role and responsibility of the registrar with regard to complaints, however we are unable to provide comment about the specifics until they are provided. We would anticipate that the registrar would have capacity to consider complaints based solely on non-compliance with registration requirements in accordance with the provisions of their role and responsibility.

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?

NT Christian Schools does not support amending the provisions of the Act, recognising the Registrar already has capacity to vary, suspend or cancel the registration of a non-government school for breach of the registration requirements.

Greater clarity of what a reasonable response might be to ongoing matters of non-compliance (instead of simply cancelling registration) with the purpose of assisting a school to improve practice and regain full compliance could be a positive step for the sector as a whole (it would be good to have transparency with how this works for government schools as well)

Any proposal to introduce penalty units is not supported. Issues of non-compliance should be addressed with a) identification of an issues; b) providing reasonable opportunity for rectification; c) consideration of registration in case of ongoing non-compliance.