Summary Report of the 368th Meeting

HELD WEDNESDAY 17 JUNE 2015
CLANCY/GILROY ROOMS, LEVEL 5, POLDING CENTRE, SYDNEY

1) Legal advice & implications: Identification of “Responsible Persons” for BOSTES purposes

Commissioners discussed BOSTES governance issues and concomitant legal advice. Feedback was received from consultants Protiviti who managed the 1 June 2015 CECNSW Governance training workshop. Commissioners also considered the BOSTES Registration Manuals for both Individual and Systems schools.

The attention of Commissioners was focused on:

• identification of governing bodies;
• identification of Responsible Persons;
• training for Responsible Persons;
• identifying, documenting and auditing Related Party Transactions; and
• maintaining Registers for both Related Party Transactions and Assets.

Discussion focused on the question of how much flexibility BOSTES will allow school proprietors with respect to entity specific responses to Governance requirements. In this context, Commissioners noted the following statement from section 5.9.3 of the BOSTES Registration Manual for Systemic schools:

“The BOSTES will develop further guidance for systems and systemic schools in this regard in consultation with key stakeholders” (Reference 5.9.3 at page 62)

In this context, it was agreed that a high level CECNSW consultation should be organised to explore compliance options with BOSTES. The point was made that Diocesan Directors need to be involved in this process. Also the interests of Congregational schools that operate within “Group” structures such as Public Juridic Persons need to be adequately addressed in these discussions.

Commissioners then reviewed CECNSW Governance training for Responsible Persons. The following points were made in respect of the delivery of Governance training:

• the immediate generic compliance approach is a short term (2015) solution only; and
• longer term (post 2015) training will need to be differentiated to address:
  ❖ type of Governance: systemic or school-based; and
  ❖ specific responsible persons roles.

Discussion concluded with a focus on legal advice relating to Diocesan Trustees and specifically the implications for both Diocesan Bishops and Consultants. The point was made that the case needs to be made with BOSTES that it would be inappropriate to identify Diocesan Consultants as responsible Persons for NSW Education Act purposes in any capacity.

School proprietor identification is a pre-existing BOSTES school Registration requirement and should be acknowledged as the point of authority and origin for governance delegations.

It was agreed that the above identified “Trustees issues” should be progressed through the intended governance consultation with BOSTES. Commissioners will hold an extended meeting in July 2015 to discuss governance in more detail.
2) ACNC Compliance Reporting: Update

Since April 2013, the Commission has been tracking Australian Charities and Not for Profit Compliance requirements for NSW Catholic schools.

Commissioners noted efforts to reduce duplication of reporting to the Australian Department of Education and Training and to the Australian Charities and Not for Profit Commission. Up until now, the ACNC has accepted the Financial Questionnaire for its purposes.

Commissioners noted that an attempt had been made to re-purpose the Financial Questionnaire to satisfy the requirements of both the ACNC and of the Australian Department of Education and Training. This has proven to be more problematic than first thought. Discussions with the ACNC are continuing.

Commissioners noted that Susie Pascoe the ACNC Commissioner is committed to developing one report that would be satisfactory to both the ACNC and to the Australian Department of Education and Training.

3) NAPLAN Data and Closing the Aboriginal Education Outcomes Gap: Advice for review

The CECNSW Aboriginal Education Advisory Group and the CECNSW Education Policy Committee have been progressing engagement with ‘Closing the Gap’ data analysis. In addition, learnings from the NSW Department of Education and Communities’ “Connected Communities” schools are being monitored. CECNSW is also involved with consultations for the finalisation of the National Aboriginal and Torres Strait Islander Education Strategy and implementation of the More Aboriginal and Torres Strait Islander Teachers Initiative (MATSITI).

Commissioners focused their discussion on:

• the need to identify best practice “Closing the Gap” Catholic schools. It was requested that the approaches and learnings of these schools should be shared through CECNSW forums and even through direct presentations to this Commission;

• concerns about “patchy” access to the NSW Government’s “Connected Communities” project. The point was made that some Catholic schools have achieved access through local agreements but some have not. Some Catholic schools see it as a “Connected Government Agencies” program and not a whole of communities program. It was also noted, however, that in Coonamble and Walgett, Catholic schools do participate; and

• the tabled CECNSW attendance data analysis for all NSW Catholic schools. Commissioners acknowledged the usefulness of this data analysis. The Geolocation data was especially discussed. Commissioners requested that a school level analysis be undertaken to identify those best practice schools that have significantly reduced their attendance gap over the time series of the data, that is 2007 to 2014.

Commissioners were advised of recent CECNSW Aboriginal Education consultations which were of high value including that with NSW Shadow Minister Linda Burney.

4) NSW Government’s $20 million Before and After School Fund: Update

Commission noted that the Coalition, now the NSW Government, made election promises to provide $20M to establish 1,000 new Out of School Hours Care sites in NSW.

This is a once-off funding pool to provide grants of up to $20,000 per site to assist with establishment costs and to meet growing community demand. The funds cannot be used for recurrent costs. Out of School Hours Care Services are regulated by Australian Law and there are certain minimum site requirements (including physical space and infrastructure) which must be met.

Commissioners noted the critical need to engage with the Expression of Interest process. It was noted that there is no “Sector share” of funding.

In the context of this OSHC discussion issues related to the delivery by schools of pre-school programs were again discussed.
5) BOSTES Consultation Draft Guidelines for the Regulation of Teacher Accreditation Authorities: Identifying Issues for follow up

At their 22 April 2015 meeting, Commissioners considered a paper on Teacher Accreditation: BOSTES Developments.

More recently at their 20 May 2015 meeting, Commissioners discussed a paper on Accreditation of pre-2004 Teachers: BOSTES Requirements.

This paper outlines BOSTES policy actions to develop a process for the monitoring and renewal of all Registration of Teacher Accreditation Authorities.

Commissioners noted the work of the CECNSW hosted interdiocesan TAA Group in managing this reform agenda.

The point was made that TAA Regulation reform is another aspect of the governance agenda for schools.

Commissioners noted the 2016 implementation date for the new TAA regulation requirements.

6) Commission Decisions

The Commission:

1. endorsed the NSW Jurisdiction Aboriginal and Torres Strait Islander Education Action Plan Annual Report for 2013 and 2014.
2. endorsed and adopted the 2014 CECNSW Road Safety Education Report.
3. endorsed and adopted the submission provided to the 2015 Review of the DDA Standards for Education.
4. noted and endorsed the content of the 2015-16 Joint Budget Submission
5. endorsed the nominees submitted to the Minister; and
6. noted and endorsed the program for briefing new NSW parliamentarians on Catholic schooling in NSW and in their electorate.

John Kitney
Commission Secretary
30 June 2015
7) BRIEFING BY THE CATHOLIC BLOCK GRANT AUTHORITY

CAPITAL GRANTS 2015 APPLICATION ROUND

As reported in previous briefings, the CBGA has received 43 applications for Capital grant support to a total assessed cost of approximately $125 million. The available grant funds are $35 million in total.

The first meeting of the State Priority Committee (SPC) was conducted between the 13 and 15 May 2015 where applications were assessed against the Commonwealth and State and CBGA eligibility criteria. All applications were reviewed thoroughly and questions seeking clarification were proposed to be asked by SPC visits of applicants.

Visits by members of the State Priority Committee to applicant schools commenced on the week beginning 1 June and will be completed by 24 June 2015.

Reports from the school visits will be considered by the SPC in its second meeting between 15 to 17 July 2015 where the SPC will prioritise all applications.

TRADE SKILLS CENTRE – UTILISATION REPORTING

Trade Training Centre utilisation reports are due to be returned to the Australian Government by 26 June 2015 which means that reports are to be returned to the CBGA by 12 June 2015.

These will be followed up with personnel from Diocesan VET coordinators for systemic schools and directly with schools for congregational colleges with “operating” Trade Training Centres.

John Kitney
Commission Secretary
30 June 2015