Summary Report of the 371st Meeting

HELD WEDNESDAY 23 SEPTEMBER 2015
CLANCY/GILROY ROOMS, LEVEL 5, POLDING CENTRE, SYDNEY

1. Child Protection: Implementing the Working with Children Check and Teacher Accreditation 2016-2017

Commissioners reviewed a set of advisory papers being:

(i) BOSTES Provisional and Conditional Accreditation Policy (Draft);
(ii) BOSTES Policy to Accredit non-Accredited Teachers (Draft); and

In addition, Commissioners were alerted to the soon to be released BOSTES Revocation and Suspension of Teachers Accreditation Policy for implementation by all Teacher Accreditation Authorities (TAAs).

Commissioners discussed both compliance requirements and the roles of Catholic Sector advisory bodies. The respective and differing roles of the key Regulators being BOSTES, the Office of the Children’s Guardian and the Ombudsman were reviewed. It was clarified that:

(i) BOSTES oversights Teacher Accreditation; and
(ii) The Office of the Children’s Guardian oversights the Working with Children Check (WWCC).

In this context the Ombudsman has no direct role in either process.

Commissioners considered the role of Church Agencies including Catholic employers, TAAs, CCER, CESSCC, the Diocesan Directors Child Protection Practitioners Group (CPPG) and CECNSW. In this context it was agreed that the focus of activity needs to be on compliance.

With respect to Teacher Accreditation it was agreed that the key matter for clarification is what significance, if any, should be given to the requirements of the AITSL Teacher Performance and Development Framework. In this context it was noted that implementation of the AITSL Framework is an Australian Government Australian Education Act (AEA) Compliance Certificate requirement. It was also noted that the IEU is opposed to any “hard barrier” Teacher Accreditation assessment.

With respect to WWCC implementation the need to clarify “interim bar” responses was highlighted for advice. Commissioners agreed that further advice on 2016-17 Compliance Planning be provided to the 18 November 2015 Commission meeting. This will include advice on the yet to be published BOSTES Policy for the Revocation and Suspension of Teacher Accreditation.
2. Reform of the Federation: Issues for Catholic Schools

Commissioners noted that the Reform of Federation consultation process (https://federation.dpmc.gov.au/) has identified four policy options for schooling being:

1. Full State responsibility for government and non-government schools
2. States fund government schools and have full policy responsibility but the Commonwealth continues to fund non-government schools
3. Improved status quo with less Commonwealth involvement in school programmes
4. Commonwealth funds all schools but there is a shared policy and regulatory responsibility

Commissioners discussed the four policy options and decided to support the status quo despite some reservations. The key reservation relates to the continuing Federal/State disputes over funding obligations and how these “play out” in the context of every Federal election. This results in an unresolved recurring uncertainty with respect to recurrent funding for schools especially in relation to all forward estimates at every level of planning.

Commissioners also noted a Summary of the NCEC Position as follows:

- The NCEC is concerned that any proposed change to school education funding as part of reforming the federation may unravel the funding arrangements for non-government schools;
- Assigning full responsibility for schooling to the States and Territories would end the longstanding direct funding relationship between the Commonwealth Government and Catholic schools;
- Direct Commonwealth funding is valued by Catholic schools – Commonwealth funding has provided funding certainty for Catholic schools;
- Catholic school systems are currently in the process of undertaking significant reforms as part of the implementation of funding arrangements under the Australian Education Act 2013; and
- Current education funding arrangements are a testament to how good Commonwealth-State relations can give effect to the principles of diversity and subsidiarity; supporting a vibrant non-government school sector alongside a strong government school sector.

3. NSW Literacy and Numeracy State Action Plan: Catholic Sector Engagement and Emerging Issues

Over 2015–2016, the Literacy and Numeracy K – 2 Implementation Plan the Plan is providing $17.04M in funding for targeted NSW Catholic Primary Schools and supports 145.6 FTE additional staff. The NSW Minister has approved the CECNSW 2015-2016 Plan. Implementation of the Action Plan will conclude in December 2016. One of the requirements for engagement in the initiative is participation in the external evaluation.

Erebus International was appointed as the external evaluator of the initiative in 2013. The evaluation methodology includes annual visits and reports on six longitudinal case study schools (two are Catholic). Each year an additional group of schools is visited. In 2015, that will involve 25 schools (seven are Catholic).

At a recent meeting of his Advisory Group, the Minister received an analysis of 2015 NAPLAN data for targeted government schools. He requested a similar analysis of data of the targeted 109 Catholic schools. Commissioners noted the results of the analysis put to the Minister. There has been significant improvements in reading and writing results in targeted Catholic schools in 2015 compared with the 2012 base year. However over the same period significantly fewer students in targeted schools have achieved above the numeracy national minimum standard. Terms 3 and 4 will focus on the evaluation of results with examination of data collected from eight principal sources. CECNSW needs to submit its accountability report to the NSW Education Minister by 2 November 2015.

Commissioners agreed that there is a numeracy issue. They also agreed that this is a capacity building matter and attention should not be restricted to targeted schools. It was also agreed that the final report needs to address how best practice is shared and promoted across all schools.

Commissioners noted the consultations held with NSW cross sectoral partners including DoE, AIS and BOSTES in preparing a submission to the Royal Commission in respect of ‘Issues Paper No.9”. Advice arising from both the CECNSW and Catholic Social Services Coordinating Committee (CESSCC) and the Diocesan Directors Child Protection Practitioners Group (CPPG), was reviewed.

Commissioners discussion focused on:

(i) The need to clarify TJHC response protocols;

(ii) Concern that the National Safe Schools Framework not adversely impact the purposes of Catholic Schools;

(iii) The expressed Catholic Sector concerns with the materials and role of the Safe Schools Coalition;

(iv) The need for this Commission to be satisfied that the advised “Harmonisation and Standards” approach to National Child Protection outcomes can actually achieve Child Safe Schools (the alternative being a form of National School Registration); and

(v) The need to clarify the role of Catholic Sector Advisory Committees including Catholic Education of Social Services Co-ordinators Committee (CESSCC) and Diocesan Directors Child Protection Practitioners Groups (CPPG) was agreed.

5. **Congregational Schools Working Party: Advice**

Commissioners noted the progress report on the discussions between Congregational schools and System authorities and that a full report of the outcomes of discussions will be tabled at a future Commission meeting.

6. **NSW Education Act Section 83C Not-for-Profit Guidelines: Implementation Actions**

Commissioners noted the publication of the Section 83C Guidelines. Commissioners agreed that the initial implementation workshop to address the guidelines should be sector specific, that is CECNSW and AIS are to organise separate implementation workshops.

Commissioners discussed this item in the context of a series of CECNSW Section 83C amendment papers and in particular the following implementation issues:

- Identification of each School’s/System of schools Governing Body and Responsible Persons;
- Identification of all related party transactions and the management of a related parties transactions register;
- Assessment of reasonable market value for each ‘material’ transaction;
- Management of conflicts of interest;
- Development of Policies and Record Keeping;
- Creation of an Assets Register(s); and
- Audit Processes/requirements.

Commissioners discussed the Audit program for Term Four. Ian Baker advised that Audit outcomes responses will be sensitive to the timing of the release of the Guidelines.

The CECNSW Secretariat was asked to implement a Catholic sector only workshop targeted at Business Managers from both Dioceses and Congregational schools. It was advised that a process of question/issues gathering should inform workshop planning.
7. **Other Commission Decisions**

The Commission:

1) approved the list of Catholic Sector Chaplains Program schools for 2016 and authorised the Executive Director to manage Program Accountabilities as required;

2) In respect of the Senate Inquiry into current levels of access and attainment for students with a disability in a school system:
   a) endorsed the NCEC Submission to Senate Inquiry into current levels of access and attainment for students with disability in the school system;
   b) noted the CECNSW input to the NCEC submission; and
   c) noted that CECNSW will join NCEC at a Public Hearing of the Inquiry to be held on 18 September 2015;

3) endorsed the 2014 CECNSW Compliance Certificate pursuant to the Australian Education Act 2013.

4) noted recent amendments to the Australian Education Regulation 2013 including postponement to 1 January 2017 of the requirement for approved authorities to have a school improvement framework and a school improvement plan.

8. **BOSTES Governance Compliance: Update and next steps**

Commission noted feedback on NSW Education Act Section 47 governance training undertaken during 2015. The next CECNSW governance basic course is planned for 23 November 2015. Online governance training modules are being planned for 2016. Specific training modules need to be planned for 2016 for those responsible persons who have already undertaken the governance basic course. Commissioners also noted that all School Principals need to be trained by the end Term One 2016.

9. **School Opal Card: Implementation Plans and Field Trial**

Under the School Student Transport Scheme (SSTS) *Transport for NSW* is replacing the current school travel passes with *Opal* Cards in areas already covered by the *Opal* Card network. These are mainly in Newcastle, Sydney and Wollongong. School principals are being contacted regarding this change to the SSTS. A trial is being conducted in December for the use of the *Opal* card by students in the Bankstown area. The aim of the trial is to identify problems with the administration and/or use of the *Opal* card by school students.

CEC has been involved in consultations around the implementation and trial. This change to the SSTS will not mean any changes to current eligibility rules and no student will be left without transport due to the *Opal* card’s introduction. CECNSW has advised *Transport for NSW* that the new scheme must not impose any new administrative burdens on schools and that it should be anticipated that there may be impacts on both the loading and unloading time for school buses because students are required to use *Opal* cards.
10. **Countering Violent Extremism (CVE) in NSW Schools**

The NSW Departments of Education and Police continue to work closely together in determining protocols and assessments for dealing with what is now called Countering Violent Extremism (CVE). The CECNSW is fully involved in all these developments. Meetings in the past month have addressed the following issues:

- Updated briefings on current developments, both Commonwealth and state;
- Agreed that DEC’s Safety and Security Directorate should be used as the single point of entry for dealing with concerns about students about whom violent extremist concerns were held;
  - Discussion of how the Safety and Security Directorate’s Case Management processes could be used by non-government schools to support CVE; and
  - There appear to be clear advantages to sharing a common reporting system with established links to NSW Police. An additional advantage is that a common reporting system will produce better intelligence on possible violent extremist activity;
- Utilising the current MOU between Police and the three school sectors, including regular briefings of principals by Police Area Commanders;
- Developed a briefing for Minister Piccoli regarding cross sectoral cooperation; and
- The Commonwealth will be supplying a briefing package for schools early in Term 4. It has been agreed that a common database of reports will be used to manage reports of students at risk of violent extremism. Detailed implementation will be progressed early in October 2015.

11. **Senate Students with Disability (SWD) Inquiry – NCEC/CECNSW Hearing, 18 September 2015**

On Friday 18 September 2015, the Senate Education and Employment References Committee held a public hearing in Sydney into access and attainment levels for students with a disability in Australian schools and the impact on students and families associated with inadequate levels of support. Those appearing before the committee included People with Disability Australia, the Australian Education Union and the National Catholic Education Commission (with CECNSW’s Ian Baker and Geraldine Gray). Ross Fox (CEO, NCEC) reiterated the key elements of NCEC’s submission. Responding to questions from Committee chair, Senator Sue Lines, on the anticipated reduction in Commonwealth funding for the 2018 and 2019 school years, he said that if funding for SWDs was inadequate, “there would be massive pressure on us to look for savings.” Asked if that meant schools could be merged or closed, he said: “Everything is on the table.”

12. **NAPLAN online**

CECNSW continues to engage in NCEC and NSW work groups focused on preparation for NAPLAN online assessment. Transition to NAPLAN online will commence from 2017 with voluntary take-up by jurisdictions. It is expected that NSW will transition to the online format from 2018 although no final decision on the date has yet been made. To enhance coordination across the NSW Catholic sector, CECNSW has secured CEnet membership on the NSW cross sector work group. In October, Commission officers will brief two relevant CEnet groups; the CEnet eLearning Working Group meets on 13 October and CEnet IT Stakeholders (COG) on 20 October.

13. **CECNSW Reconciliation Action Plan**

At its July meeting (Minute 368.7.4), the Commission discussed the development of a Reconciliation Action Plan (RAP). A process is now underway to identify a suitable consultant who would be available to work with the Aboriginal Education and Education Policy core committees in the first instance.
14. **Consultation with the Conference of Leaders of Religious Institutes (CLRI), 11 September 2015**

The most recent consultation with CLRI took place at Rosebery on 11 September 2015. The main topics discussed were governance as a school registration requirement and the Bishops’ review of Catholic education in NSW. Additionally, there was discussion on Countering Violent Extremism, NAPLAN online, the introduction of the school student Opal card, the NSW Legislative Council inquiry into VET, NSW Not-for-Profit section 83C guidelines and legislative protections for religious freedom in NSW and Victoria.

15. **Briefing for Association of Catholic School Principals (ACSP), 28 August 2015**

A CEC briefing was provided for ACSP at Polding House on 28 August. The main topics discussed were governance as a school registration requirement and the Bishops’ review of Catholic education in NSW. Additionally, there was discussion on Countering Violent Extremism, NAPLAN online, the introduction of the school student Opal card, and the NSW Legislative Council inquiry into VET.

16. **Emergency Management: Preparations for the Bushfire Season 2015 - 2016**

Since 2009, the Commission has been required to act as a conduit for State Emergency Operations Centre (SEOC) emergency notifications for all NSW Catholic schools. During the 2015-2016 bushfire season, the Secretariat will send updates to diocesan emergency contacts. The CECNSW developed the Catholic Education Commission Emergency Management System (CECEMS) to meet the requirement to transmit emergency messages to Catholic schools. CECEMS sends emergency alerts to dioceses and depends on dioceses having their own systems to relay alerts to all schools, including congregational schools. The Secretariat has contacted Diocesan Directors to ensure that the lists of emergency contacts are up to date. Once that process is complete, tests of CECEMS will be conducted. A memo will be sent to dioceses and congregational schools with additional detail regarding emergency management (see Attachment 1 for further details).

17. **New Commonwealth Minister for Education**

On Monday 21 September 2015, Senator Simon Birmingham was sworn in by the Governor-General as Minister of Education and Training. Simon Birmingham has been a senator for South Australia since May 2007. Following the 2013 federal election, Senator Birmingham served in the Abbott Ministry as a Parliamentary Secretary to the Minister for the Environment and from September 2013 until December 2014 when he was appointed as the Assistant Minister for Education and Training. Senator Birmingham grew up near Gawler in Adelaide's north Simon was educated at government schools before going on to study at the University of Adelaide where he completed a Masters of Business Administration. Prior to entering the Senate, Simon worked for a number of industry bodies, establishing particular experience in the wine, tourism and hospitality sectors.

18. **CECNSW Catholic Mission and Identity Catholic Principles**

Commissioners noted that Bishop Peter has appointed Father Wim Hoekstra as Censor for the CECNSW Catholic Mission and Identity Catholic Principles in the Curriculum K-10 project website. Bishop Peter advised that the Bishop’s imprimatur is valid only for the document reviewed and approved by Father Hoekstra. Any proposed future changes must be reviewed again by the Censor before being made.

John Kitney
Commission Secretary
8 October 2015
BRIEFING BY THE CATHOLIC BLOCK GRANT AUTHORITY WITH BGA DELEGATE

CAPITAL GRANTS 2015 APPLICATION ROUND

Following the acceptance of the recommendations of the State Priority Committee, the New South Wales Catholic Block Grant Authority issued Indicative Offers to Proprietors of schools seeking acceptance and agreement to meet the local contribution on projects.

As in previous years, the amount of contribution was kept at 30% of the assessed cost, but was higher for projects that exceeded the maximum grant of $3.5M.

The Indicative Offer letters were accompanied by a document detailing the adjustments made as a consequence of the State Priority Committee’s recommendations and to ensure compliance with the agreed CBGA area standards.

Following the adoption of the list by the Catholic Education Commission NSW, the schedule of projects is required to be submitted to the Commonwealth and State Minister’s for Education by the 30 September.

John Kitney
Commission Secretary
8 October 2015