



**Independent  
Schools** Victoria

**Submission to the Senate Select  
Committee on Red Tape**

August 2018

*Response to the Inquiry in to the  
Effect of Red Tape on Private  
Education*

## **The Independent Schools Victoria Vision:**

‘A strong Independent education sector demonstrating best practice, providing excellent outcomes for students and choice for families’.

To realise this, we:

- advocate for excellence in education
- champion Member Schools
- support quality education
- protect the right of parents to choose where and how their children are educated.

Independent Schools Victoria will assist our 220 diverse Member Schools to continue providing the best possible education outcomes for the citizens of tomorrow.

40 Rosslyn Street West Melbourne VIC 3000; PO Box 119 North Melbourne VIC 3051  
T: (03) 9825 7200 F: (03) 9826 6066 E: [enquiries@is.vic.edu.au](mailto:enquiries@is.vic.edu.au) W: [www.is.vic.edu.au](http://www.is.vic.edu.au)  
ABN 44 711 074 857  
A0009210H

© Independent Schools Victoria

# Executive Summary

Independent Schools Victoria (ISV) welcomes the opportunity to make a submission to the Senate Select Committee on Red Tape's *Inquiry into the Effect of Red Tape on Private Education*.

This submission is made on behalf of our Member Schools.

It should be read in conjunction with, and in support of, the submission of the Independent Schools Council of Australia.

As a member association, one of ISV's key roles is to support and advise Independent schools in the effective administration and governance of their school. ISV staff are in an ideal position to be aware of the variety and complexity of red tape with which schools have to deal.

Independent schools are subject to heavy and extensive regulation. This automatically includes regulation:

- as companies
- as charities
- as providers of services to children
- as providers of school education
- as providers of pre-school education (where relevant)
- as providers of childcare (where relevant).

In Victoria, ISV has identified 62 main Acts and 11 regulations, at both the state and federal level, with which schools must comply. This list is by no means exhaustive.

Schools face a particular regulatory burden as a result of the interplay between the different services they provide, and the different levels and branches of government that are responsible for these services. School education is officially regulated by state and territory governments, but the bulk of government funding for non-government schools comes from the Australian Government. The regulation and funding of kindergartens is largely a state responsibility, but is handled by a different branch of the Victorian Department of Education and Training, while childcare is regulated by Victorian legislation linked to national goals, and funded by the Australian Government.

The impact is that schools frequently need to duplicate their reporting requirements, or to provide almost, but not quite, identical reports to different government agencies.

This submission highlights some particular areas of concern for Independent schools and calls for an acknowledgement of the complexity and cost of current regulation. It also draws attention to areas of duplication and unnecessary complexity, and calls for a review into current arrangements.

Other than noting that the number of administrative staff in schools continues to rise significantly more rapidly than the number of students or teachers in schools, ISV is unable to quantify the increasing cost of compliance for schools.

# Submission

It is important to acknowledge at the outset that ISV recognises the fundamental importance of accountability – to governments and to school communities.

In order to run effectively, schools must practice responsible financial management, comply with legislative and regulatory requirements and, most importantly, provide a high standard of education to all students.

The purpose of this submission is not to advocate for a reduction in the necessary and essential mechanisms in place to ensure that a school meets its obligations and responsibilities.

It is, however, intended to point out those areas of regulation where schools face an excessive burden, often because of duplication, redundancy or overly complicated requirements.

Below are some particular areas which ISV believes impose a considerable administrative burden and therefore, warrant examination.

## Legislation

In relation to legislative and regulatory compliance, there is a growing burden on non-government schools.

ISV has an area on its website called the Compliance Framework. It is a comprehensive resource that assists schools to understand and meet the demands of compliance and accountability. It currently has over 130 items listed.

The legislation covering school operations encompasses many Acts and regulations. Among the most important pieces of legislation are the:

- Australian Education Act 2013 (Cth.)
- Australian Education Regulations 2013 (Cth.)
- Education and Training Reform Act 2006 (Vic.)
- Education and Training Reform Regulations 2017 (Vic.).

ISV publishes an indicative list of ancillary legislation that includes, amongst others, legislation related to taxation, occupational health and safety, and employment. There are 62 Acts (both Commonwealth and Victorian) and 11 regulations. The list does not include all legislation that could have an impact on a school's operations.

By any standard, this places a heavy burden on schools.

This burden brings with it significant costs. Teachers and support staff are spending increasing amounts of time and resources on administrative tasks, which takes time away from their core role as educators.

This is particularly an issue for smaller schools, where already overworked principals are bearing the brunt of increased administrative and compliance responsibilities.

This increasing burden of compliance has resulted in many schools creating roles for 'Risk and Compliance Officers'. These roles may be full or part time.

The number of non-teaching staff in Victorian Independent schools has grown by a full-time equivalent of 1905.7 staff in the last ten years, at an average growth of 3.8% per annum.

This is compared with an increase in student enrolments of 23,077.5, at an average growth of 1.8% per annum, and teacher employment of 2248.1 at an average of 1.9% per annum, in the same period.

## Registration

In Victoria, schools are registered and regulated by the Victorian Registration and Qualifications Authority (VRQA).

An individual school may choose multiple registration types. For example, a school may also be registered to provide courses to overseas students as well as being a Registered Training Organisation (RTO).

Each of these types of registration has its own legislative base and, therefore, particular compliance requirements.

From a school's perspective, this results in a duplication of effort. For example, many of the requirements around the care and safety of overseas students are met by a school's general registration yet the Australian government requires specific policies and procedures to be in place for overseas students.

## Annual Reports

Schools have to write an annual report as part of their accountability to both the Australian and Victorian governments, under the Australian Education Act 2013 and the Education and Training Reform Act 2006 respectively.

The material required is similar but not exactly the same. For example, the Australian government requires information about student attendance as follows:

- Student attendance at school, including:
  - The attendance rates for each year of schooling
  - A description of how non-attendance is managed by the school

The Victorian government, however, requires the following information:

- A description and analysis of rates of student attendance for the year.

There is no mention in the Victorian reporting requirements for a 'description of how non-attendance is managed by the school'. However, schools are expected to have in place policies and procedures that outline how they manage non-attendance.

There is clear duplication in these requirements.

## Census

All Victorian schools have to provide student enrolment data to the Victorian Government in February of each year.

They also have to provide this information to the Australian Government every August.

For Independent schools, the August census determines the level of funding the school will receive from both the Australian and Victorian governments.

The February census has no bearing on an Independent school's funding and given the state government relies on the August data for funding, it is surely a redundant exercise in data collection.

## Student Background Data

All Australian schools are required to collect student background data from parents on enrolment. Victorian kindergartens are also required to collect student background data from parents on enrolment. In both cases, this data includes information on the educational attainment and occupation categories of the parents.

However, the data that schools and kindergartens are required to collect and report is marginally different. For instance, kindergartens are required to report against an alphabetic code, while schools must report against a numeric code. In some cases, the ordering of responses is different, so that a '1' for a school may not be the equivalent of an 'A' for a kindergarten.

In addition, the list of occupations for each occupation category is slightly different for kindergartens and schools. Thus, a person may be required to select a different occupation category, depending on whether their child is in school or kindergarten. At both levels, operators have been explicitly instructed that they must ask the precise question of parents.

More than 100 Victorian Independent schools also operate a kindergarten. These schools are required to:

- ensure that, when reporting to the different levels of government, they amend the reporting codes appropriately
- collect the same information from parents slightly differently, depending on whether the parents have children in school or kindergarten (including potentially collecting two sets of data from parents with children in both).

## Student attendance

Victorian schools must maintain a student attendance register in which the attendance at the school of any child of compulsory school age is noted at least twice per day and any reason given or apparent for the absence of the child from the school is noted.

Independent schools have to provide student attendance data for the first three terms of the school year to the Australian government. The data provided by schools is related to full-time enrolled school students in Years 1 through to 10 in Primary, Secondary and Special Schools (including ungraded students who are in the typical age group of students in Years 1 through to 10) at a campus/location level. Data is supplied by Year Level, Sex and Indigeneity.

School attendance collection processes and systems, however, may not necessarily collect the data in this format. This results in an administrative burden on schools to provide their data in the required format.

## Student reports

Under the requirements of the Australian Education Act 2013, schools are required to provide to parents student reports that comply with the following criteria:

- Be given at least twice per year to the person responsible for each child
- Be easy to understand
- Include an accurate and objective assessment of the student's progress and achievement
- Be confidential
- Report the student's progress and achievement against any national standards (such as those of the Australian Curriculum)
- Report the student's progress and achievement relative to the performance of the student's peer group (comparative reporting)<sup>1</sup>
- Be followed by an opportunity for the child and the parents to meet with the child's teachers to discuss all aspects of the report
- Use a A, B, C, D, E (or an equivalent scale) for all subjects studied, where each point is clearly defined against specific standards

Many schools have moved away from the traditional method of formal written reports to parents at the end of semesters 1 and 2 and are now reporting on a regular and ongoing basis via Learning Management Systems and parent portals.

The requirement still to report as described above requires a duplication of effort for many schools.

## Town planning

This is possibly the largest area where red tape can have a significant impact on the operation of Independent schools.

When a school is established, or when any additional buildings or structures are planned for the school, an Independent school must go through the town planning process. A government school does not have to do this.

This results in increased costs as well as delays when an Independent school is planning to undertake significant building works, such as opening a new campus.

Planning requirements imposed on Independent schools can include unreasonable requirements for car parking and traffic management, as well as height restrictions and limits on the number of enrolments.

In particular, local governments and other agencies (e.g. VicRoads, water authorities), will often insist that Independent schools pay for the cost of installing turning lanes, roundabouts, sewerage upgrades and improved electricity infrastructure, especially when the school campus is located in a newly established area.

This kind of imposition, particularly when the same does not apply to government schools in the same situation, means Independent schools are at a competitive disadvantage.

---

<sup>1</sup> Note – Individual parents may elect not to receive this type of reporting for their child via a written request to the school. Authorities must retain a copy of all such written requests on file. The intention of comparative performance reporting is to provide parents with an indication of the achievement of their child relative to other students in the cohort. There is no requirement to provide the comparison in a particular way.

## Outside School Hours Care

In the past, Outside School Hours Care was provided by schools to parents who, because of work commitments, had to drop off their children before school started and/or pick them up well after the end of the school day.

Schools would provide supervision for children, food and drink and a space to complete homework or play games.

Schools would ensure that supervisors had Working With Children Checks and that the overall service was safe for children.

Around 2009, the Victorian Government introduced a significant number of requirements for Outside Schools Hours Care programs, including that the program be registered (with the Department of Education and Training) and that staff met minimum levels of qualification.

These requirements significantly increased the cost of running such programs as well as the administrative burden on schools. The result has been that most schools now outsource their programs to commercial providers.

## Australian Charities and Not-for-Profits Commission

ISV lauds the stated intention of the Australian Charities and Not-for-Profits Commission (ACNC) to act as a 'one-stop-shop' for the regulation and reporting of Australian charities. We also welcome the ACNC's intention to establish a 'report once, use often' framework for reporting by Australian charities.

We note that progress in this area is slow – particularly with regard to the interaction between state and federal agencies. Nonetheless, ISV regards the establishment by ACNC and the Australian Department of Education and Training of their Non-government Schools Streamlined Reporting Working Group as a positive step towards minimising red tape in schools. We encourage the Senate Select Committee on Red Tape to support the ACNC in its work in this area.

## Conclusion

ISV acknowledges and supports the work of the Senate Select Committee in examining the effect of red tape in private education.

In addressing the terms of reference, ISV has outlined several areas of school operations where red tape can be described as burdensome, complex, redundant or duplicated across jurisdictions. We have shown that Independent Schools face a particular regulatory burden as a result of the interplay between the different services they provide, and the different levels and branches of government that are responsible for these services.

In order to reduce the burden of red tape, ISV would like to see an acknowledgement by the Australian and state governments of the circumstances facing Independent schools, and a wholesale review to examine ways in which this burden can be reduced.