

Education (Accreditation of Non-State Schools) Amendment Regulation (No.1) 2016

Explanatory notes for SL 2016 No. 200

made under the
Education (Accreditation of Non-State Schools) Act 2001

General Outline

Short title

Education (Accreditation of Non-State Schools) Amendment Regulation (No.1) 2016

Authorising law

Sections 9, 166 and 177 of the *Education (Accreditation of Non-State Schools) Act 2001*.

Policy objectives and the reasons for them

The *Education (Accreditation of Non-State Schools) Amendment Regulation (No.1) 2016* (the Regulation) will:

- prescribe new administration and governance criteria about the recording, security and integrity of school survey data; and
- revise the definition of school survey data to cease the collection of unnecessary data.

New administration and governance accreditation criteria

The *Education (Accreditation of Non-State Schools) Act 2001* (the Accreditation Act) regulates non-state schools in Queensland. Section 9 of the Accreditation Act provides that a regulation may prescribe criteria, relevant to a school's accreditation, about a range of matters, including the school's administration and governance arrangements.

In 2014, the Queensland Audit Office (QAO) conducted a performance audit on the oversight of state recurrent grants to non-state schools. The QAO report highlighted that the *Education (Accreditation of Non-State Schools) Regulation 2001* (the Accreditation Regulation) does not require schools to have policies in place about how student attendance is recorded or reported and the security of that information. The QAO commented that this reduces confidence in the reliability and accuracy of the reports being used to complete the school survey.

The Regulation amends the Accreditation Regulation to address the QAO concerns by requiring non-state schools to keep and retain school survey data for the school, and any related documents, for a period of at least five years from the period to which the data relates and in a way that ensures the integrity and security of the data and documents.

These amendments aim to ensure accurate decisions are made about students who are eligible to receive State recurrent funding and that the data and decisions can be verified by the auditors of the Non-State Schools Accreditation Board (NSSAB). It also aims to ensure schools retain the data in a way that ensures it is safe from tampering.

Revised definition of school survey data

Section 166 of the Accreditation Act requires the governing body of a provisionally accredited school that is in operation, or an accredited school, to give NSSAB school survey data annually. School survey data is primarily required to support the calculation of state recurrent funding paid to non-state schools that are eligible to receive government funding. 'School survey data' is defined, and includes details about the school prescribed under a regulation.

Section 14C of the Accreditation Regulation prescribes the school survey data to be provided by the governing bodies of non-state schools to NSSAB, in addition to the data prescribed in the Accreditation Act.

Requirements for school survey data under the Accreditation Act and Accreditation Regulation mean that NSSAB collects two sets of overlapping data, some of which is not required for the purpose of calculating state recurrent funding or for accreditation purposes.

Amendments to remove the definition of school survey data from the Accreditation Act have been made as part of the *Education and Other Legislation Amendment Act 2016* (the Amendment Act), which received royal assent on 8 September 2016. These amendments are proposed to commence on 1 January 2017. Following commencement of these amendments, school survey data will be solely defined in the Accreditation Regulation.

The consequential amendments being progressed to the Accreditation Regulation under this Regulation are as a result of amendments to the Accreditation Act. The Accreditation Regulation is being amended to accurately prescribe the school survey data required to be provided by non-state schools.

Achievement of policy objectives

The Regulation will amend the Accreditation Regulation to include new accreditation criteria about administration and governance of non-state schools to:

- clarify what documentation a school is expected to retain in relation to school survey data;
- require schools to ensure the integrity and security of the data and documents; and
- require schools to retain school survey data and associated documents for a period of five years.

The Regulation also makes minor changes to the current definition of 'school survey data' in the Accreditation Regulation, to confirm the data to be collected about students in relation to both classroom and distance education.

The amendments will commence on 1 January 2017.

Consistency with policy objectives of authorising law

The Regulation is consistent with the objectives of the Accreditation Act.

Inconsistency with policy objectives of other legislation

The Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The combined reforms to the school survey data in the Regulation, as well as in the Amendment Act, will reduce the amount of data that governing bodies of non-state schools must provide NSSAB on an annual basis, clarify the data required and ensure the integrity and security of the data.

The proposed amendments are not expected to have a significant impact on non-state schools.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

NSSAB, Independent Schools Queensland and the Queensland Catholic Education Commission have been consulted and support the amendments.

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