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The National Goals for Schooling in the Twenty-first Century


The Children, Young Persons, and their Families (Residential Care) Regulations 1996
1. INTRODUCTION

1.1 About the Commission for Children and Young People

The Commission for Children and Young People is a new organisation, established in June 1999, to listen to children and young people and promote their interests. It is an independent organisation that reports directly to NSW Parliament.

Our aim is to work with others to make NSW a better place for children and young people.

We are guided by the principles of the *NSW Commission for Children and Young People Act 1998*. These are to listen to children, promote their interests and their connections with their families and communities and to give their safety, welfare and well-being paramount consideration.

Our key legislative functions include:
- promoting the overall safety, welfare and well-being of children
- making recommendations to government on legislation, policies and practices and services affecting children.

1.2 The interests of children & young people should drive the Review

The Review aims to develop a NSW policy framework for the establishment, funding and regulation of non-government schools.

The Commission’s functions, endorsed by NSW Parliament, shape our view of schools, education and what this policy framework should look like. The Commission considers that the interests and well-being of children and young people should be the primary consideration in the debate about how non-government schools should be regulated and funded.

The Commission sees it as a priority for the Review to talk to students themselves about critical issues raised by the terms of reference. Children and young people are the ultimate consumers of education and no doubt their insights and views will be of great value in framing final recommendations to Government.

1.3 All children and young people have a right to quality education

Children and young people, no matter what school they attend, have a right to high quality education. This is recognised by the *NSW Education Act 1990* which makes it a principle that:
- every child has the right to receive an education (s 4 (a))
- it is the duty of the State to ensure that every child receives an education of the highest quality (s 4 (c)).
Access to education is also one of our basic human rights, recognised by the *United Nations Convention on the Rights of the Child* (Article 28).

The Commission considers that the Government has a direct responsibility to children and young people, in their own right as citizens, to ensure that all schools are able to offer them a high quality education. This responsibility takes precedence over supporting parents’ ability to choose particular schools for their children.

### 1.4 Compulsory schooling creates obligations on Governments

Compulsory schooling is one of the most important and effective means by which governments can contribute directly to promoting and monitoring the overall safety and well-being of children and young people. Making schooling compulsory protects children’s individual rights and entitlements to education.

The Commission believes that compelling children and young people to attend school in turn creates a moral obligation on governments to ensure that the schooling they receive is of a high standard.

### 1.5 Non-government schools should be regulated to require high standards

The *NSW Education Act 1900* says the principal responsibility of the State in the education of children is to provide public education (s 4 (d)). The Commission considers the State has an additional responsibility to regulate the provision of education by other providers.

The Government should aim to promote the right of all children and young people in New South Wales to an education of the highest quality, regardless of whether they attend a government or non-government school.

This aim should be pursued whether non-government schools are operated for profit or not, and whether or not they gain an entitlement to public funding.

We believe governments should work to ensure that schooling is a positive experience for all children and that non-government schools are held responsible for providing the conditions in which they can flourish and thrive.

In summary, the right to provide non-government schooling should be contingent upon meeting very high standards to promote the education, safety, security and well-being of all children and young people in New South Wales.
2. ADDRESSING THE TERMS OF REFERENCE

2.1 The definition of “a school”

_Schools should be defined in terms of their social & socialising function_

Schools are critical to the lives of children and young people. This is recognised by _The National Goals for Schooling in the Twenty-first Century_, endorsed by all Australian Education Ministers in 1999 (see Attachment 1):

> “Australia’s future depends upon each citizen having the necessary knowledge, understanding, skills and values for a productive and rewarding life in an educated, just and open society. High quality schooling is central to achieving this vision”.

Research shows that next to family and friends, schools are the most important source of well-being in the lives of children and young people. Schools are important agencies of our society and of communities. Through schooling, children and young people can gain access to shared knowledge that is agreed to be valuable by society and to experience and understanding of the world beyond the confines of families.

Because of these factors the Commission considers that any definition of a ‘school’ should not be so broad as to undermine our understanding of the importance of schooling as a social and socialising process.

As highlighted by the International Commission on Education for the Twenty-first Century in its report to UNESCO:

> “…while education is an ongoing process of improving knowledge and skills, it is also – perhaps primarily – an exceptional means of bringing about personal development and building relationships among individuals, groups and nations.”

This social and socialising aspect of schooling is also stressed in _The National Goals for Schooling in the Twenty-first Century_. Here schools are defined in terms of learning communities, where students learn in practice the ability to communicate and collaborate with others.

The Commission particularly supports the first Goal of this document that highlights the role of schools in helping students to learn how to solve problems, collaborate with others, make rational and informed decisions about their lives and be active and informed citizens.

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Given that it is compulsory for children and young people to attend school, it is in the interests of Government, children and young people and the public that what is meant by ‘a school’ is very carefully defined.

The Commission also considers that the definition of ‘a school’ in relation to non-government schools should not be at odds with how a school is defined in the public school sector.

**Online services are no substitute for a school environment**

Keeping the definition of a school relatively narrow does not in anyway deny the value for children and young people of the myriad of other educational services that can offer exciting opportunities for learning.

The Commission recognises that there are other means, formal and informal, by which children and young people acquire knowledge, skills and understanding.

Education is provided by families, cultural and community agencies (for example churches and clubs) and a range of other community education providers, profit and not-for-profit. Education is also increasingly accessible from online providers.

The Commission considers, however, that the existence of new and emerging technologies for teaching, learning and the exchange of knowledge and information does not, in itself, constitute a good argument for changing how we define a ‘school’.

Sitting at a home computer is clearly a very different experience for children and young people than using a computer in a classroom in the company of teachers and peers. As recognised in the recent report of the review of public education in Victoria:

“…clear evidence is emerging that children and young people growing up in a world deluged with content and information need teachers who can assist them in turning information into knowledge.” ³

The regulation of the full range of non-government educational services to ensure the safety and well-being of children and young people and, where necessary to maintain education standards, needs to be considered in relation to the specific nature of those services.

These services are neither identical to, nor a substitute for, the provision of high quality schooling.

The Commission therefore considers that arrangements for the regulation of other forms of non-government educational services should be kept separate from the regulation of non-government schools.

**“Home schooling” would be better characterised as an “exemption from attending ‘a school’”**

The Commission recognises that the Government needs to make provision for circumstances where physical attendance at a school by a children or young person may not be possible or in the child’s best interests.

The Commission does not support, however, the *NSW Education Act 1900* continuing to characterise this exception as “home schooling” (Part 7, Division 6).

The use of this term is inherently confusing and contradictory. Being educated at home by parents, however valuable it may be, is not the same thing as going to school.

In a society where the Government continues to uphold the value of compulsory schooling, it is in the interests of children and young people to require that parents who do not want to enrol their child in school go through a very rigorous process to gain an exemption.

Only where exemptions from physical attendance at school can be demonstrated to be in the best interests of a child or young person should they be granted an exemption from attending a school.

1. **Recommendations – Definition of “a school”**

That the Review recommend:

(a) a definition of “a school” that recognises the importance of school as a social and socialising process and the purpose of schooling in developing in children and young people a capability for informed and active citizenship and for individual well-being. Such a definition could be modelled on Goal One of *The National Goals for Schooling in the Twenty-first Century*

(b) that other forms of educational delivery not provided in a school environment, such as on-line education, be regulated separately from schools

(c) that the current provisions concerning “home schooling” be recharacterised as obtaining an exemption from attending a school where physical attendance is not possible or in the best interests of a child or young person and that the test for gaining an exemption be rigorous.
2.2 Registration and accreditation requirements

*These requirements should be strengthened*

Because of the critical importance of schooling in the lives of children and young people the Commission considers that the Government should treat very seriously the registration and accreditation process which allows an authority to run a school.

In this regard the Commission has two main concerns that stem from the principles and functions under which it operates. These are the role of schools in:
- contributing to the overall safety, security and well-being of children and young people
- providing children and young people from their earliest years with opportunities to develop their capacity to be involved in, and make decisions about, matters that affect their lives.

As noted above, the Commission considers that the chief concern of the Government when registering and accrediting non-government schools should be to protect and promote the educational interests and the general well-being of children and young people.

Currently the requirements for registration of a school set out in the *NSW Education Act 1990* are restricted to matters of curriculum, having teaching staff with necessary experience, adequate educational facilities, appropriate courses of study, satisfactory school premises and policies banning corporal punishment.

The Commission believes these requirements should be strengthened in relation to:
- testing an applicant’s suitability to own and operate a school
- curriculum requirements
- teaching standards
- the safety, welfare and well-being of children and young people
- accountability and openness.

Each of these issues are dealt with below.

The Commission believes that applicants seeking registration as a non-government school should be required to demonstrate that they can meet the Commission’s proposed requirements. Once registered, schools should be held publicly responsible for complying with them and failure to do so should be grounds for cancelling a school’s registration.

*Suitability to own and operate a school*
The Government should impose stringent tests on non-government school authorities to demonstrate that they are fit and proper persons to own and operate a school.

The criteria against which an application to own and operate a school is judged should be set out in the *NSW Education Act 1900* and the fitness of persons to provide schooling should be thoroughly tested against these criteria.

This criteria should cover matters that go to the suitability of an applicant to be involved in schooling. For example:

- a demonstrated capacity to provide quality schooling that allows children and young people to thrive
- suitable and demonstrated experience
- honesty and efficiency.

A legislative model that the Review may wish to consider in this regard is the *Commonwealth Aged Care Act 1997* (see relevant provisions at Attachment 2).

**Curriculum**

The *NSW Education Act 1900* currently requires that to be registered non-government schools must provide a 'minimum curriculum' in Years K-10 and the Higher School Certificate for Years 11 and 12 but does not require that schools comply with content set out in the Board of Studies’ syllabuses. Registered non-government schools must apply to the Board of Studies to be accredited to present candidates for the School Certificate and/or HSC.

It is critically important that all children and young people have access to a quality curriculum that broadens, not restricts, their life chances and horizons. Goal 1.3 in *The National Goals for Schooling in the Twenty-first Century* focuses on this goal, advocating, in summary, that schooling should give students the capacity to make sense of their world and to make rational and informed decisions about their lives.

While the Commission understands that in practice the great majority of non-government schools provide a curriculum devised by the Board of Studies, this is not required by legislation.

The Commission considers that applicants for registration of a non-government school must be required to demonstrate that the proposed curriculum conforms with the Key Learning Areas specified in the *NSW Education Act 1900* as well as with the content set out in the Board of Studies syllabuses.

**Teaching standards**

Research shows that the most important influence on students’ learning is the quality of teaching. Therefore one of the most important ways that Governments can ensure the effectiveness of schooling for children and young people is to focus on ensuring quality teaching.
The Commission considers that the Government has an obligation to set standards for teachers in all non-government schools as a condition of registration.

In fact, the Commission believes this is necessary to satisfy one of the principles of the *NSW Education Act 1900* that makes it the duty of the State to ensure that every child receives an education of the highest quality (s4 (c)).


The Commission supports, in general terms, the directions of the Ramsey Report. It specifically wishes to highlight the inadequacy of what the Report calls ‘the current loose arrangements that apply under the provision of the *Education Act 1990.*’

The *NSW Education Act 1900* now makes it a requirement of registration of a non-government school to merely have teaching staff with ‘necessary experience or qualifications (or who are regularly supervised by teaching staff with the necessary experience or qualifications)’ (s47 (b)).

As the Ramsey Report points out these provisions:

> “enable non-government schools to employ unqualified teachers under supervision. Instances were brought to the attention of the Review where such people are teaching under the supposed supervision of a qualified teacher located in another school not even within the same community or district”.

The fact that many non-government schools now receive a level of public funding equivalent to that spent on teacher salaries could in itself be sufficient to create a responsibility on the Government to ensure that public funds are not being committed to sub-standard teaching in non-government schools.

At the very least, the Commission considers that if non-government schools are not required to employ only qualified and accredited teachers, the Government has an obligation to require that they report publicly on the status of their teachers against accreditation standards, as an information tool for parents.

**The safety, welfare and well-being of children and young people**

The Commission is concerned that the regulation of non-government schools promotes the overall safety, welfare and well-being of children and young people.

Students will thrive in a school that not only provides quality teaching and a relevant and stimulating curricula but that also has welfare policies, programs and procedures that allow them to develop in a positive and supportive climate.

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5 Ibid, p. 150.
While some non-Government schools may provide these programs voluntarily, the only registration demand on non-Government schools relating to the safety, welfare and well-being of students requires a policy banning corporal punishment.

The Commission considers that non-government school authorities, in order to gain registration, should be able to demonstrate that they have policies, programs and procedures in the area of safety, welfare and well-being that meet a standard set by Government and against which they can be held responsible by the registering authority and the school community.

The school welfare program in the public sector provides a valuable model for non-government schools in this regard.

- **Non-government schools should be required to provide a range of welfare policies and programs.** At the very least, the Commission considers that all non-government schools should be required to have transparent policies, programs and procedures relating to:
  - child protection
  - discipline, suspension and expulsion
  - racism
  - gender
  - sexuality
  - anti-discrimination, and
  - bullying.

Every school should have a child protection policy designed to protect students from sexual, physical and emotional abuse and neglect. All staff should be required to be trained in child protection, there should be clear procedures for notification of child abuse and child protection should form part of the school curriculum for all students.

Schools should set up appropriate support structures and programs for students experiencing problems and should be required to provide information to students about who they can turn to and how to make a complaint.

In addition schools should have policies and procedures relating to other key health and safety issues such as infectious diseases, the administration of medication and school excursions.

- **Non-government schools should be required to have a code of conduct for students.** The Commission considers that all schools should be required to prepare and promote an age appropriate code of conduct that provides students with guidance about what is expected of them and their school community.

- **Non-government schools should be required to set up policies and structures that promote the participation of children in the life of the school and matters that affect them.** The Commission sees the opportunity
for participation as critically important to providing a quality education system that will allow children and young people to flourish and grow.

- **Non-government schools should be required to have a policy on discipline, suspension and expulsion that is sensitive to the educational and welfare needs of students and is procedurally fair.** Public schools are highly regulated in relation to discipline, suspension and expulsion (for example, s 35, *NSW Education Act 1900*). Such regulation does not currently apply to non-government schools.

There is strong evidence that students of non-government schools are suffering as a result. The Commission wishes to refer the Review to a recent Discussion Paper by the National Children’s and Youth Law Centre on this topic. The paper shows that a lack of procedural fairness is leading, for example, to schools using suspension and expulsion as a ‘quick fix’ for behavioural and learning problems, poorly investigating allegations and denying students the opportunity to answer claims. One case study recounts the expulsion of a student on the basis of her learning disability.

Excluding, suspending or expelling a child or young person from school are very serious actions that can have long term adverse impacts, for example in terms of damaging self-esteem, securing alternate education or employment and increasing the possibility of involvement in the juvenile justice system.

In a system where schooling is compulsory the Commission does not consider that it is reasonable for the Government to countenance double standards whereby its own public schools are required to meet community standards in dealing with their students, including with those who are disruptive and difficult, while non-government schools are not.

The Commission supports the recommendation of the National Children’s and Youth Law Centre that non-government schools should develop and implement policies and guidelines in relation to the suspension and expulsion of students that incorporate principles of procedural fairness and are readily available to students, parents and decision-makers. The Commission considers having a policy and guidelines on discipline, suspension and expulsion should be made a requirement of registration. The Review may also wish to consider an additional option of requiring that non-government schools report to the Minister an intention to expel a student, giving full reasons, to ensure the grounds are fair and proper procedures have been followed.

**Openness and Accountability**

Schools are communities and clear communication is central to maintaining health and harmony. Everyone in a school community, as well as the broader community, will benefit from an environment that fosters openness and accountability.

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To help achieve this the Commission considers that non-government schools should be required to provide a prospectus for parents, children and young people, a clear and accessible complaints mechanism and agree to participate with legitimate research projects undertaken by external agencies.

- **A prospectus for parents, children and young people.** Non-government schools should be required to provide all prospective parents and students with written information on the school’s goals, code of conduct, qualifications of staff, complaint mechanisms and other relevant school policies. Such a document would help make sure parents and students have realistic expectations about a school and its policies before deciding to enrol and provide useful information to help solve problems if legitimate expectations are not met.

- **Complaints mechanism for students and parents.** If a student or parent is unhappy about some aspect of their school they should be able to take action to help solve the problem. It is in the interests of students, parents and schools that complaints are addressed quickly and informally at a local level. Schools should be required to have a complaints policy and a clear established procedure by which complaints are looked at and resolved. Schools should also be obliged to inform students and parents of their right to complain and how to do so.

- **Opening schools to legitimate research.** Research into the lives of children and young people is one of the very important ways in which we can promote their well-being and quality schooling. The NSW Government has detailed guidelines for approving applications from external agencies to conduct research into public schools. No similar guidelines apply to non-government schools. This creates difficulties for research projects. For example, the Child Death Review Team, which the Commissioner convenes and to which the Commission provides administrative support, has experienced difficulties gaining access to data kept by non-government schools that would help with its important job of preventing future child deaths. Considering the potential significance of work in this area, a willingness to participate in legitimate forms of research should be made a requirement of registration of non-government schools, on the same basis as public schools.

2. **Recommendations - Registration and Accreditation requirements**

That the Review recommend that it be a requirement for registration of a non-government school that:

(a) applicants demonstrate their fitness to provide schooling, with clear criteria against which this can be tested

(b) applicants provide a curriculum that conforms with the Key Learning Areas in the NSW Education Act 1900 as well as with the content set out
in the Board of Studies syllabuses

(c) applicants employ teachers covered by accreditation procedures arising from the Government's response to the Ramsey Report or, at the very least, are required to report publicly on the status of their teachers against accreditation standards

(d) applicants provide a range of specified welfare policies, programs and procedures to promote student safety, welfare and well-being, at the very least concerning child protection, discipline, suspension and expulsion, racism, gender, sexuality, anti-discrimination and bullying

(e) applicants provide appropriate support structures for students experiencing problems, have a code of conduct for students and promote the participation of students in the life of the school

(f) applicants provide a prospectus for parents and students, a complaints system, and allow external agencies to conduct legitimate research into the school.
2.3 The funding framework

The State funding framework

As noted above, the Commission is primarily concerned with ensuring that the rights of children and young people to a quality education are safeguarded by the appropriate regulation of non-government schools, irrespective of the school’s source of funding.

The NSW Education Act 1900 provides that the principal responsibility of the State in educating children is to provide public education (s 4 (d)). The Commission considers that the provision of public funding to assist non-government schools should be undertaken in ways consistent with this principal responsibility.

It must be recognised that the public education system caters for the overwhelming share of those children and young people who are least able to depend on their families or communities to protect or advance their interests, and who are least able to draw on the educational resources of family. These schools must accept any student including those, for example, with significant learning or behavioural problems.

The provision of public funding to schools subject to upfront fees should not be at the expense of the public education system, which is open and accessible to all and that educates around seventy percent of all children enrolled in school in NSW.

The principle that should underpin the provision of public funding to non-government schools should be the extent to which these schools assist the Government to meet its obligations to all children and young people, and in particular those students most dependent upon the public school system for their education.

The Commission does not consider that a school’s ability to demonstrate ‘financial need’ is sufficient grounds for being granted public funding.

Nor is giving parents ‘choice’, in itself, a justification for funding non-government schools. It is in the interests of children that Governments take responsibility for ensuring that whatever choice parents make among individual schools, the school their children attend will offer a high quality education.

The value of the school in terms of the quality of the service it provides for students must be a key criteria for funding, and this quality should be established through registration.

State Government funding to non-government schools should contribute to reducing the gaps in educational opportunities and outcomes that reflect prevailing social inequalities. As pointed out in the recent report of the review of public education in Victoria:

"The best educational opportunities and outcomes are far from randomly distributed. There is too large a gap in the resources brought to bear on the education of children from advantaged backgrounds and the rest, reflected in all
indicators of schooling: attendance and participation, achievement, completion and outcomes.\textsuperscript{8}

There are many non-government schools serving wealthier communities with recurrent and capital resources far greater than those found in the average public school (and many other non-government schools).

It is hard to justify the provision of public funding in ways that would assist schools in the non-government sector to, for example, provide conditions vastly superior to those provided in the public sector, at the expense of those children who most need resources if they are to have a successful schooling.

3. Recommendations - Funding

That the Review recommend that State funding to non-government schools should contribute to the overall quality of schooling for children and young people in NSW. Funding should aim to reduce the gaps in educational opportunities and outcomes for all children and young people in NSW that reflect prevailing social inequalities within and between the private and public school sectors.

The impact of Federal Government policy

The Commission considers that the Commonwealth Government’s new funding scheme for non-government schools fails our proposed test for funding schools set out above.

Through its disregard for the resources actually available in schools, as distinct from the socio-economic measure of the locality in which the student lives, the Commission is concerned that the scheme may exacerbate resource differences within the non-government school sector and between the private and public school sectors.

2.4 Accountability and reporting requirements

The Government should ensure the accountability of non-government school authorities both to their own school community, including students, parents and teachers and to the broader public.

The Commission considers openness and accountability critical to ensuring student’s well-being by allowing the school and wider community to judge whether a school is meeting the standards set by Government and to act if these standards are not being met.

The Commission is particularly concerned to ensure that compliance by the school with requirements for registration and accreditation is regularly monitored by the registering authority and that remedial action is taken where requirements are not being met.

The Review may wish to consider recommending a more detailed and transparent legislative framework that makes it clear on what grounds the Government can take action if registration requirements are not being met and what procedures must be followed to either remedy the problem or cancel registration and/or accreditation.

This will help make school authorities more accountable for the quality of schooling provided and for public funding. It will see greater procedural fairness for schools, while protecting the interests of children, young people and their parents if serious problems do arise. For example, the legislation could make it a ground for cancelling registration that “continuing to operate the school may present an unacceptable risk to the safety, welfare and well-being of students”.

Where serious problems exist in a school the Commission considers that the registering authority should have the responsibility to notify parents of the problem and the processes to be followed as a result, including plans by the school to address problems.

4. Recommendation - Accountability and reporting requirements

That the Review recommend:

(a) that the Government ensure that compliance with requirements for registration and accreditation are regularly monitored and action is taken where requirements are not being met

(b) a more detailed and transparent legislative framework setting out the grounds on which registration and accreditation can be cancelled and what procedures must be followed to either remedy the problem or cancel registration and/or accreditation. For example, it could be a ground for cancelling registration that continuing to operate the school may present an unacceptable risk to the safety, welfare and well-being of students.
2.5 Boarding schools

The Commission understands that the terms of reference for the Review have been extended to include an examination of the regulatory structure for non-government boarding schools.

There is now very limited regulation of boarding schools in NSW, particularly in comparison to the significant regulation of other forms of care for children and young people such as residential out-of-home care and juvenile detention centres.

Like these facilities, boarding schools are, in effect, ‘total institutions’ which provide children and young people with the fundamentals of accommodation, food, supervision and discipline. When problems arise boarders lack the normal safeguards available to students attending a day school, such as the ability to go home and raise issues with parents about unfair practices.

The Commission is aware of examples of student’s rights being breached in boarding schools, including, for example:

- a culture of institutionalised bullying that is self-perpetuating and resistant to change
- expulsion from school as a result of behaviour in the residential facility where rules may be less commonly understood and sanctions applied in a more arbitrary way
- unfair disciplinary practices such as removing the privilege of contacting family.

The quality of care provided in boarding schools is largely governed by contract law, with parents being required to sign a contract before enrolling their child in a boarding school. Sometimes these contracts may place unreasonable obligations on parents and students, for example giving the school a right to exclude the child at anytime without reasons. The contract may not subject the boarding school to reciprocal obligations, for example to provide good quality education and accommodation or complaint mechanisms.

The Commission considers that, because of the significant role played by boarding schools in the lives of children and young people who attend them, the Review should recommend that the Government more closely regulate these institutions, requiring:

- a standard contract between parents and the boarding school covering matters such as: standards of care to be provided to students, including the responsibility to provide for their physical, emotional and psychological well-being; standards of food and accommodation; the right of boarders to family contact, personal privacy, to send and receive mail, to use personal effects and to consent to medical treatment; discipline, suspension and expulsion, complaint and independent review mechanisms. The Review may wish to consider provisions of the New Zealand Children, Young Persons, and their Families (Residential Care) Regulations 1996 as a useful model in this regard (see Attachment 3)
• the development and promotion of a Voluntary Code of Conduct for Boarding Schools. New Zealand has developed such a code which the Commission is currently attempting to locate and will forward to the Review as soon as practicable.

5. Recommendation – Boarding schools

That the Review recommend that the Government more closely regulate non-government boarding schools considering the significant role they play in the lives of children and young people who live there. In particular the Government should require:

• a ‘standard contract’ between parents and boarding schools covering certain specified matters such as standards of care, the rights of boarders, discipline and complaint mechanisms

• the development and promotion of a Voluntary Code of Conduct for Boarding Schools.
3. **CONCLUSION**

In conclusion, the regulation of non-government schools should be reviewed against considerations of the extent to which non-government schools are compatible and consistent with the overall responsibilities of Government for providing quality schooling to children and young people.

The Commission considers it anomalous that while the Government considers it good policy to demand that the public sector provide a whole range of programs to promote the well-being of students, for example dealing with child protection and teaching standards, the same requirements do not exist for publicly funded, non-government schools.

In this environment, the losers will be children and young people.

As a general principle, the Commission considers the Government should avoid distinctions in what it requires of schools based on whether they operate in the government or the non-government sector.

Maintaining inconsistencies in the way schools are regulated will only serve to foster social division and a lack of confidence around schooling that is not in the interests of children or young people.
TABLE OF RECOMMENDATIONS

1. Recommendations – Definition of “a school”

That the Review recommend:

(a) a definition of “a school” that recognises the importance of school as a social and socialising process and the purpose of schooling in developing in children and young people a capability for informed and active citizenship and for individual well-being. Such a definition could be modelled on Goal One of The National Goals for Schooling in the Twenty-first Century

(b) that other forms of educational delivery not provided in a school environment, such as on-line education, be regulated separately from schools

(c) that the current provisions concerning “home schooling” be recharacterised as obtaining an exemption from attending a school where physical attendance is not possible or in the best interests of a child or young person and that the test for gaining an exemption be rigorous.

2. Recommendations - Registration and Accreditation requirements

That the Review recommend that it be a requirement for registration of a non-government school that:

(a) applicants demonstrate their fitness to provide schooling, with clear criteria against which this can be tested

(b) applicants provide a curriculum that conforms with the Key Learning Areas in the NSW Education Act 1900 as well as with the content set out in the Board of Studies syllabuses

(c) applicants employ teachers covered by accreditation procedures arising from the Government’s response to the Ramsey Report or, at the very least, are required to report publicly on the status of their teachers against accreditation standards

(d) applicants provide a range of specified welfare policies, programs and procedures to promote student safety, welfare and well-being, at the very least concerning child protection, discipline, suspension and expulsion, racism, gender, sexuality, anti-discrimination and bullying

(e) applicants provide appropriate support structures for students experiencing problems, have a code of conduct for students and promote the participation of students in the life of the school
(f) applicants provide a prospectus for parents and students, a complaints system, and allow external agencies to conduct legitimate research into the school.

3. Recommendations - Funding

That the Review recommend that State funding to non-government schools should contribute to the overall quality of schooling for children and young people in NSW. Funding should aim to reduce the gaps in educational opportunities and outcomes for all children and young people in NSW that reflect prevailing social inequalities within and between the private and public school sectors.

4. Recommendation - Accountability and reporting requirements

That the Review recommend:

(a) that the Government ensure that compliance with requirements for registration and accreditation are regularly monitored and action is taken where requirements are not being met

(b) a more detailed and transparent legislative framework setting out the grounds on which registration and accreditation can be cancelled and what procedures must be followed to either remedy the problem or cancel registration and/or accreditation. For example, it could be a ground for cancelling registration that continuing to operate the school may present an unacceptable risk to the safety, welfare and well-being of students.

5. Recommendation – Boarding schools

That the Review recommend the Government more closely regulate non-government boarding schools considering the significant role they play in the lives of children and young people who live there. In particular the Government should require:

- a ‘standard contract’ between parents and boarding schools covering certain specified matters such as standards of care, the rights of boarders, discipline and complaint mechanisms

- the development and promotion of a Voluntary Code of Conduct for Boarding Schools.