

# Non-state Schools Accreditation Framework Review

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Queensland  
Government  
Response



# Minister's statement

As Education Minister, I am proud of Queensland's vibrant education sectors and am privileged to see firsthand the great work in all of our schools. The Queensland Government is very aware and appreciative of the depth of choice and quality of education provided by the non-state schooling sector. In Queensland, we are fortunate to have a diverse range of quality education options in each of the State, Catholic and Independent schooling sectors.

Non-state schools are an integral part of Queensland's schooling landscape, making up 30% of schools and educating approximately 300,000 students. Non-state schools offer a wide diversity of faith-based, non-denominational, independent and alternative education perspectives.

In establishing this review, the Queensland Government wanted to ensure the framework governing accreditation of non-state schools in Queensland remains fit for purpose and reflects contemporary regulation. The review was comprehensive in nature, as evidenced by the breadth of the topics covered, the wide stakeholder participation, and the range of findings and recommendations in the final report.

I want to thank the independent reviewer, Ms Cheryl Vardon AO, for leading this review and providing such a comprehensive report. I also thank all non-state school stakeholders, especially the school governing bodies and parents who took the time to contribute to this review.

The Government Response to the review recommendations outlines the work that is to commence immediately, and where further analysis and advice is required to determine coordinated next steps.

The Queensland Government is committed to ensuring all Queensland children and young people have access to high quality education, in safe learning environments. I look forward to continuing to work with students, parents, schools and representative bodies to progress this important work.

**The Honourable Di Farmer MP**

Minister for Education and Minister for Youth Justice

# Introduction

Queensland has a strong non-state education sector with diverse educational program offerings across a wide array of learning environments, including in Catholic schools, secular and non-secular independent schools and an increasing number of special assistance schools. In Queensland, the non-state schools sector comprises over 540 schools and educates over one third of Queensland's students.

The Minister for Education is responsible for the accreditation of non-state schools in Queensland. This work is guided by the non-state schools accreditation framework, which comprises the *Education (Accreditation of Non-State Schools) Act 2017* and *Education (Accreditation of Non-State Schools) Regulation 2017*. The Non-State Schools Accreditation Board (the 'Board') operationalises the framework via their accreditation and regulation of non-state schools.

## The Non-State Schools Accreditation Framework Review

In 2020, the Queensland Government committed to review the operations of the Board, including giving consideration to its independence from the Department of Education. In late 2022, the Non-State Schools Accreditation Framework Review ('the review') was announced, and in early 2023 Ms Cheryl Vardon AO was appointed as the independent reviewer.

In August 2023, Ms Vardon delivered the Non-State Schools Accreditation Framework Review Final Report (the 'final report') to the Minister for Education, for Queensland Government consideration.

The final report was informed by significant consultation, including 39 written submissions, 15 roundtables attended by approximately 170 people, a survey of Queensland non-state school parents and interviews with selected stakeholders.

Additionally, the review undertook extensive research into non-state schools accreditation in other jurisdictions, intersections with other Queensland legislation, and findings from other state and national reviews and reforms.

The final report makes 24 recommendations, which call for extensive change to deliver a non-state schools accreditation framework that promotes: culture, collaboration and communication; clarity and consistency; compliance; and, community confidence.

## Non-State Schools Accreditation Framework Reform

The Queensland Government accepts 21 recommendations of the Review in-principle, and requires further consideration of the three recommendations relating to the establishment of a new governance structure. This approach will allow an implementation team and stakeholder input to inform the exact nature of the response to each of the recommendations.

The Queensland Government will undertake a two phased implementation approach to deliver a contemporary, fit-for-purpose accreditation framework for non-state schools that responds to community expectations and achieves balance between imposing standards and minimising regulatory burden.

The Queensland Government response to all recommendations is provided in the recommendations table below.

Most recommendations have multiple elements, with some that progress from Phase 1 and others that progress from Phase 2. Many recommendation elements will continue across both phases.

Phase 1 will progress key recommendations, or their elements, that can be implemented from 2024. This will include supporting a cultural shift towards a proactive educative and advisory role for the Board, developing content for a new student wellbeing and boarding schools accreditation standard, and consideration of new governance arrangements.

Phase 2 will progress the remaining recommendations, or their elements, from 2025, including those that require possible legislative amendment, for further, more detailed consideration.

Phase 2 implementation work will be informed by the Phase 1 program of work.

### Out of scope matters

The Queensland Government will consult with relevant stakeholders on observations relating to the student hostels regulatory framework, the timing of Queensland Civil and Administrative Tribunal involvement in non-state school complaints and the monitoring of student movements throughout Queensland.

# Recommendations table

#	Recommendation	Queensland Government position	Action occurring in Phase 1	Action occurring in Phase 2
<b>Strengthening standards</b>				
R.1.1.1	It is recommended that reference to ‘accreditation criteria’ in the <i>Education (Accreditation of Non-State Schools) Act 2017</i> (Qld) is replaced with ‘accreditation standards’.	Agree in-principle		
R.1.1.2	It is recommended that the <i>Education (Accreditation of Non-State Schools) Act 2017</i> (Qld) includes principles to guide its interpretation, specifically in relation to accreditation standards. These principles should build upon those guiding this Review, in particular: <ul style="list-style-type: none"> <li>• students and families are at the centre of decision-making</li> <li>• quality, safe and supportive educational environments are essential for students to learn and thrive.</li> </ul>	Agree in-principle		
R.1.2	It is recommended that the existing ‘Student welfare’ criterion is replaced with a new ‘Student wellbeing’ accreditation standard. This contemporary standard should reflect: <ul style="list-style-type: none"> <li>• a rights-based approach to student wellbeing encapsulating students’ social, academic, physical, emotional and cultural safety and best interests</li> <li>• the importance of student voice, embedding a participation duty to make sure schools actively involve students and families in matters affecting their school experience</li> <li>• a requirement for schools to have and implement clear and procedurally fair policies regarding student disciplinary actions, noting all students and staff have a right to a safe learning and working environment</li> <li>• the recommendations of the Royal Commission with respect to record- keeping standards and the National Principles for Child Safe Organisations</li> <li>• the incoming reforms to Queensland’s anti-discrimination legislation, which introduce a positive duty for organisations to eliminate discrimination</li> <li>• contemporary approaches in other jurisdictions.</li> </ul>	Agree in-principle		

#	Recommendation	Queensland Government position	Action occurring in Phase 1	Action occurring in Phase 2
R.1.3.	It is recommended that an additional standard for boarding schools is created. This standard should adequately reflect the higher risk and vulnerability of students being educated while living away from their families. Associated guidelines should also be developed to assist schools to achieve and maintain compliance with the new standard.	Agree in-principle		
R.1.4.	It is recommended that the 'Administration and governance' accreditation standard is amended to incorporate suitability requirements for governing bodies. Existing suitability requirements should be expanded to include provisions to make sure: <ul style="list-style-type: none"> <li>governing body directors: <ul style="list-style-type: none"> <li>are fit and proper persons</li> <li>collectively hold the necessary skills and experience to govern a non-state school and carry out their fiduciary responsibilities</li> <li>undertake mandatory professional development relating to school governance (such as finance, compliance or risk management), to be delivered by an approved provider</li> </ul> </li> <li>greater clarity is provided on managing conflicts of interest</li> <li>provision is made to support schools facing difficulty in meeting the new requirements for the suitability of governing bodies.</li> </ul>	Agree in-principle		
R.1.5.1	It is recommended that the 'Educational program' accreditation standard is amended to better align with requirements for state schools and the Australian Curriculum. These amendments include: <ul style="list-style-type: none"> <li>removing, at a minimum, the requirement for schools to deliver a 'breadth' of learning; and</li> <li>guaranteeing that the integrity of the curriculum and learning outcomes for students are upheld.</li> </ul>	Agree in-principle		
R.1.5.2	It is recommended that NSSAB and QCAA, in consultation with the Stakeholder Reference Group (SRG), co-author a revised educational program guideline that reflects the changes to the 'Educational program' accreditation standard and is approved by both the NSSAB and QCAA boards.	Agree in-principle		

#	Recommendation	Queensland Government position	Action occurring in Phase 1	Action occurring in Phase 2
<b>A new accreditation framework</b>				
R.2.1	<p>It is recommended that NSSAB's functions are expanded to include a focus on supporting the non-state schooling sector to achieve and maintain compliance, which in turn will provide quality, safe and supportive educational environment for students to learn and thrive.</p> <p>This will require:</p> <ul style="list-style-type: none"> <li>• Introducing a new object of the Act reflecting NSSAB's purpose of providing stewardship of the non-state schooling sector, including by delivering education, advice and support to schools and governing bodies</li> <li>• Including a new education, research and advisory function under the Act designed to <ul style="list-style-type: none"> <li>- Develop resources supporting schools in achieving and maintaining compliance with the accreditation standards</li> <li>- Underpin regulatory activities with contemporary research on education and governance</li> <li>- Inform new risk-based approach to compliance monitoring and responses to trends in compliance data</li> <li>- Establish professional networks to build NSSAB's knowledge base on contemporary education research to inform the performance of its functions</li> </ul> </li> <li>• Establishing and appropriately staffing a new team with the Authority to carry out this new function, supported by the ability to share information with relevant entities</li> <li>• Renaming 'authorised persons' as 'accreditation and education officers' and expanding their role to include providing the following throughout the school year: <ul style="list-style-type: none"> <li>- Advice to schools/governing bodies on achieving and maintaining compliance as informed by the new education, research and advisory function</li> <li>- Support and, where necessary, case management of schools requiring additional support and guidance in achieving and maintaining compliance</li> </ul> </li> <li>• Making sure accreditation and education officers collectively possess expertise that reflects knowledge of the diversity on non-state schools, including an understanding of small schools, regional schools, schools catering predominately for First Nations students, boarding schools, special assistance schools and special schools</li> <li>• Making sure accreditation and education officers undertake ongoing professional development, consistent with contemporary regulatory best practice.</li> </ul>	Agree in-principle		
R.2.2	<p>It is recommended that a case-management approach is implemented to provide new schools with ongoing support and monitoring during their first year of operation (or longer, if required). The level of support provided will be informed by the school's risk profile (Recommendation R.2.4.1).</p>	Agree in-principle		

#	Recommendation	Queensland Government position	Action occurring in Phase 1	Action occurring in Phase 2
R.2.3	It is recommended that a more targeted and risk-based process for changes to the accreditation attributes of a school (e.g. adding boarding facilities) is developed and reflected in the Act. This process should make sure aspects of a school's operations unrelated to the change of attribute are not captured in the accreditation process.	Agree in-principle		
R.2.4.1	<p>It is recommended that a new risk-based approach to ongoing compliance monitoring is developed that:</p> <ul style="list-style-type: none"> <li>• exemplifies principles of a contemporary regulatory framework as set out in The Queensland Government Guide to Better Regulation</li> <li>• aligns with contemporary approaches in other states and territories</li> <li>• prioritises student safety and wellbeing and the delivery of quality educational programs.</li> </ul> <p>A risk-based approach will involve:</p> <ul style="list-style-type: none"> <li>• developing risk profiles for schools and governing bodies that consider a range of factors, including complaints/concerns received and any history of non-compliance</li> <li>• replacing the current compliance review program with a targeted model informed by the risk profile of the school and governing body and emerging areas of risk</li> <li>• requiring schools to integrate the findings of compliance reviews into their school improvement plans</li> <li>• reducing administrative burden and increasing the consistency of compliance review outcomes through: <ul style="list-style-type: none"> <li>- accrediting policies, procedures and guidelines that are common to multiple schools only once (e.g. where developed by peak or governing bodies)</li> <li>- moderating compliance reviews assessments and reports</li> </ul> </li> <li>• improving engagement and communication with schools and governing bodies through a stronger focus on supporting the non-state schooling sector (as described Recommendation R.2.1)</li> </ul>	Agree in-principle		
R.2.4.2	<p>It is recommended that the new risk-based approach to compliance monitoring is supported by new functions and powers enabling NSSAB to:</p> <ul style="list-style-type: none"> <li>• immediately access a school where there are significant concerns for student safety and wellbeing</li> <li>• undertake short-notice visits to schools to investigate non-compliance or to provide advice, education and support</li> <li>• access a range of enforcement measures facilitating a more proportionate approach to addressing non-compliance</li> <li>• share information with relevant entities, such as the QHRC, QCAA and QCT, to enable joint compliance reviews or investigations to be undertaken where necessary.</li> </ul>	Agree in-principle		

#	Recommendation	Queensland Government position	Action occurring in Phase 1	Action occurring in Phase 2
<b>Managing complaints and compliance concerns</b>				
R.3.1	<p>It is recommended that NSSAB establishes a time-limited expert working group to guide the development of a contemporary complaints and compliance concerns policy and procedure, and associated training.</p> <p>The working group should have specialist expertise, which could, for example, draw from the Queensland Ombudsman, Office of the Information Commissioner, Crime and Corruption Commission, Integrity Commissioner and the Queensland Human Rights Commission (QHRC).</p> <p>The Department of Education should also be a member of the working group, given the volume of non-state school enquiries and concerns received by the Department.</p>	Agree in-principle		
R.3.2	<p>It is recommended that the legislative and/or administrative basis for, and policies and procedures supporting, the management of complaints and compliance concerns is enhanced to:</p> <ul style="list-style-type: none"> <li>• more clearly define matters falling within scope</li> <li>• clearly communicate pathways for out-of-scope matters to be considered, including exploration of the ability for matters to be referred to the relevant agency on behalf of the complainant</li> <li>• develop and communicate processes for assessing the merit of in-scope matters to identify spurious or vexatious compliance concerns</li> <li>• embed a right of reply for schools and governing bodies, affording them opportunity to respond to the concerns in the first instance, unless the matter involves risk of harm to a student</li> <li>• enable NSSAB to determine where release of confidential information is in the public interest</li> <li>• develop and publish a new confidentiality policy and procedure <ul style="list-style-type: none"> <li>- sufficient detail to be provided to the school and governing body so they may exercise their right of reply</li> <li>- ongoing communication with complainants and the provision of relevant information about the status and outcome of the matter they have raised</li> </ul> </li> <li>• develop a process through which complainants may seek internal review where dissatisfied with an outcome of an investigation arising from a complaint or compliance concern</li> <li>• improve the quality of data collected and reported about the nature of, and response to, complaints and compliance concerns, which will increase transparency and public confidence. It will also inform the new education and research function (Recommendation R.2.1) and risk-based compliance monitoring (Recommendations R.2.4.1 and R.3.4.2).</li> </ul>	Agree in-principle		

#	Recommendation	Queensland Government position	Action occurring in Phase 1	Action occurring in Phase 2
<b>A new governance framework</b>				
R.4.1.1	<p>It is recommended that the current Board and its Secretariat are reconstituted as a new governance statutory body, to be renamed the <i>Non-State Schools Standards Authority</i> (the Authority) and <i>Non-State Schools Standards Authority Board</i> (the Board). The Board will report to the Minister for Education and provide strategic direction for the new Authority.</p> <p>The Board's overarching purpose should be to provide stewardship of, and advice to, the non-state schooling sector to make sure it upholds the accreditation standards and delivers quality, safe and supportive educational environments in which students can learn and thrive.</p>	Subject to further consideration		
R.4.1.2	<p>It is recommended that the new Authority is led by a dedicated Chief Executive Officer, appointed by and reporting to the Board Chair, with</p> <ul style="list-style-type: none"> <li>responsibility for:</li> <li>implementing the strategic directions set by the Board</li> <li>administering funding and budgets</li> <li>managing the Authority</li> <li>managing Board committees</li> <li>carrying out delegated functions on behalf of the Board.</li> </ul>	Subject to further consideration		
R.4.1.3	<p>It is recommended that the new Authority has greater independence from the Department of Education. This autonomy should be achieved through co- location with QCAA, with relevant service-level agreements and information- sharing provisions in place to facilitate the provision of shared services and greater collaboration and strategic engagement between the two agencies.</p>	Subject to further consideration		
R.4.2	<p>It is recommended that the new Board is provided with legislative power to establish committees and to delegate its functions to these committees – and to the Chief Executive of the Authority – as required. This will require development of:</p> <ul style="list-style-type: none"> <li>a contemporary delegation model, noting that decisions regarding new schools, significant changes to existing schools and compliance actions should rest with the Board</li> <li>a contemporary committee structure, noting that the Review recommends committees relating to finance and performance; audit and risk; management of compliance concerns; curriculum matters; accreditation and monitoring; and an Executive Committee comprising committee Chairs</li> <li>committee membership that provides the appropriate combination of skills, experience and expertise</li> <li>reporting arrangements and escalation pathways to the Board, making sure there is appropriate oversight and good governance in place.</li> </ul>	Agree in-principle, subject to R.4.1		

#	Recommendation	Queensland Government position	Action occurring in Phase 1	Action occurring in Phase 2
R.4.3	It is recommended that remuneration of Board members is increased to reflect the high level of risk and complexity involved in regulating the non- state schooling sector, as well as the new level of statutory and financial independence of the new Authority.	Agree in-principle, subject to R.4.1		
R.4.4.1	It is recommended that the current NSSAB members form the inaugural Non-State Schools Standards Authority Board.	Agree in-principle, subject to R.4.1		
R.4.4.2	<p>It is recommended that the Board transitions from a representative board to one that is both skills-based and representative. This transition will require progressive implementation of a revised Board composition and skills matrix, as current members' terms of appointment expire.</p> <ul style="list-style-type: none"> <li>• The revised Board membership should include: <ul style="list-style-type: none"> <li>- one additional member, nominated by the Minister in consultation with Independent Schools Queensland (ISQ), the Queensland Catholic Education Commission (QCEC), Independent Education Union – Queensland Northern Territory Branch (IEU-QNT), to provide a First Nations voice or perspective</li> <li>- permanent membership of the IEU-QNT, to make sure the perspectives of teachers continue to be represented</li> <li>- a requirement that future ISQ and QCEC nominees must not be currently employed by these organisations (or other organisations advocating on behalf of non-state schools) to reduce actual and perceived conflicts of interest</li> </ul> </li> <li>• A skills matrix for Board membership, embedded in the Act, that requires skills and expertise in: <ul style="list-style-type: none"> <li>- Best practice regulation</li> <li>- Curriculum</li> <li>- Contemporary education research and/or practice</li> <li>- Finance, audit and risk, and governance</li> <li>- Specialist education practices (e.g. delivering education to at-risk children and young people, students at risk of disengaging from education, neurodiverse students, students with disability, students in regional and remote areas, and vocational education and alternative pathways).</li> </ul> </li> </ul>	Agree in-principle		
R.4.5	It is recommended that mandatory training and professional development requirements for Board members are developed and embedded in the Board's operations. In the interim, existing NSSAB members, Secretariat staff and authorised persons should undertake training aligning with and supporting implementation of the recommendations contained in this report.	Agree in-principle		

#	Recommendation	Queensland Government position	Action occurring in Phase 1	Action occurring in Phase 2
Approach to implementation				
R.5.1	<p>It is recommended that the Department of Education establishes a Non-State Schools Accreditation Framework Review Implementation Team (Implementation Team) to progressively implement the recommendations of the Review.</p> <p>The Implementation Team should be supported by:</p> <ul style="list-style-type: none"> <li>• a Technical Expert Advisory Committee (TEAC) with skills and expertise to guide implementation activities. This expertise includes: <ul style="list-style-type: none"> <li>- legislative development</li> <li>- best practice regulation</li> <li>- public sector/statutory entity governance</li> <li>- information privacy</li> <li>- complaints management</li> <li>- financial modelling</li> <li>- the non-state schooling sector</li> </ul> </li> </ul> <p>The TEAC should also have access to legal advice and expertise.</p> <ul style="list-style-type: none"> <li>• a Stakeholder Reference Group (SRG) comprising representatives of ISQ, QCEC, IEU-QNT, teachers and principals, and parents' associations. The SRG should meet periodically, as required.</li> </ul> <p>Consistent with the Review's guiding principles, consultation and collaboration should underpin the work of the Implementation Team.</p>	Agree in-principle		
R.5.2	<p>It is recommended that the <i>Education (Accreditation of Non-State Schools) Act 2017</i> (Qld) is remade in line with contemporary drafting practice. This process should consider any additional amendments required to give effect to the recommendations. Consideration should also be given to any further amendments required to improve the operation of the Act, consistent with the overarching areas for improvement.</p>	Agree in-principle		