

Briefings

Thought leadership for the independent schooling sector

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SEIZING THE MOMENT TO FOSTER SECTOR GROWTH

From the CEO

The independent schooling sector has so far successfully weathered one of the most tumultuous periods in global history. Despite significant economic, demographic and social upheaval, the sector has experienced record growth. Based on the severe downturn in the economy 12 months ago, few could have predicted such an outcome.

One year ago today, 20 July 2020, schools were a week into Term 3. Easing COVID-19 restrictions meant boarding students could return to school and events like inter-school sporting competitions and school assemblies could resume, albeit according to strict health guidelines. "COVID-safe" became part of our national vernacular.

However, just as life started to regain a sense of normality, the Australian economy hit rock bottom. Unemployment peaked at 7.5% in July 2020 – the highest in over 20 years according to the Australian Bureau of Statistics (ABS)¹. One million Australians were out of work. The Commonwealth deficit was forecast to top \$184.5 billion in 2020-21 the biggest since World War II². Queensland's deficit was due to reach \$8.5 billion in the same period³.

Many independent schools were providing significant fee relief and other support to families experiencing

hardship and job insecurity. The future, by all indicators, looked grim.

Fast forward 12 months to today, 20 July 2021. Unemployment is at a low of 4.9% – the lowest level since December 2010, according to the ABS⁴. Governments have revised down their projected record deficits and the International Monetary Fund has upgraded its outlook for the Australian economy forecasting growth of 4.5% this year, before easing to 2.8% in 2022⁵.

For Queensland independent schools the news has been even more heartening. February 2021 Census data shows the sector experienced its largest annual enrolment increase (4.8%) since the statewide introduction of the Prep Year 14 years ago. This growth comes on the back of rises of 4.2% in 2019-20 and 2.3% in 2018-19.

This has positioned independent schools as the fastest growing sector in the state and lifted the sector's share of Queensland school-age enrolments from 15% in 2020 to 15.5% in 2021. While recognising that growth is not evenly distributed across metropolitan, rural and regional centres, the statewide figures are very encouraging, and a ringing endorsement of the quality of teaching, learning and wellbeing support provided by independent schools.

Drilling down into the data reveals positive indicators for the ongoing

1 ABS (2020). Retrieved from: <https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-australia/jul-2020>

2 Australian Government (2020). Retrieved from: <https://ministers.treasury.gov.au/ministers/josh-frydenberg-2018/media-releases/economic-and-fiscal-update>

3 Queensland Government (2020). Retrieved from: <https://statements.qld.gov.au/statements/90253>

4 ABS (2021). Retrieved from: <https://www.abs.gov.au/media-centre/media-releases/unemployment-rate-falls-49>

5 Australian Government (2021). Retrieved from: <https://joshfrydenberg.com.au/latest-news/imf-significantly-upgrades-australias-economic-outlook/>

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health of the sector. Independent school market share in the all-important Prep intake year increased by 0.6% between 2020 and 2021 taking the total increase since 2016 to 1.4%. In Year 7, market share lifted by 1% between 2020 and 2021 taking net growth to 0.5% between 2021 and 2016.

Despite the significant challenges facing many rural and regional communities – 65% of the state remains drought-declared – there has been a small uptick for the second consecutive year in total boarding numbers to 3,493 in 2021 – an increase of 2% on 2020. This is a credit to the schools and staff who overcame enormous challenges to maintain the learning and wellbeing of many boarders during their extended period of home learning.

Unsurprisingly the Census data confirms the closure of Australia’s international borders, and the capping of arrivals has dampened what had been an upward trend in the sector’s international student enrolments since 2015. Independent Schools Queensland has been working closely with schools that have registered international programs, the Department of Education, the Queensland Catholic Education Commission and Queensland Health on the safe return of international students. These efforts have achieved some success with a small number of senior international students aged 18 years and over, taking up their studies in 2021. Further work is continuing in this complex area.

Inside Australia’s borders, Queensland is providing a drawcard for interstate families. According to the 2021-22 State Budget papers, Queensland received 30,000 net interstate migrants in 2020, with another 85,000 Australians expected to call the Sunshine State home over the next four years⁶.

This presents an important opportunity to further diversify and grow the sector through the expansion of existing established schools and the attraction of new school proponents. Tackling roadblocks to growth, such as accessing appropriately located and priced land and identifying existing infrastructure to repurpose into school facilities, will be critical to the sector’s successful expansion into key population hubs in the future.

Applications to the Non-State Schools Accreditation Board (NSSAB) for new non-government schools have reached a record high, according to the Board’s last Annual Report. In 2019-2020, 17 applications were lodged to establish new independent or Catholic schools. This followed 16 applications in 2018-19 which was double the average number of applications lodged in the previous five years⁷.

Analysis of 10 years of school Census data reveals the majority of new independent schools approved by the NSSAB have been schools for at-risk students or community-driven schools. Between February 2011 and 2021, an additional 52 new independent schools opened across Queensland, from Cooktown in the north to

Figure 1: New independent schools, 2011-2021

Brisbane	9
Greater Brisbane	19
Darling Downs	2
Gold Coast	5
Sunshine Coast	4
Bundaberg	1
Central Queensland	4
Mackay	1
North & Far North Queensland	7

Source: 2011-2021 Non-Government Schools Census (State) February Collection. Note the data does not include campuses of existing schools.

Goondiwindi in the south-west (see Figure 1). These schools comprise 23% of the sector’s 227 schools, but enrol just 5.2% of the sector’s 135,000 students.

Approximately 4 in 10 of the new schools are accredited Special Assistance Schools for students who have disengaged or are at risk of disengaging from education. The rest are founded on a wide range of education approaches and include faith-based Prep-Year 12 schools, industry training colleges for senior students, small primary schools based on a particular educational philosophy and specialist schools for children with autism spectrum disorder. This diversity of schooling provision continues to set the sector apart and remains one of its key strengths.

⁶ Queensland Government (2021). Retrieved from: <https://budget.qld.gov.au/>

⁷ NSSAB (2016-2020). Retrieved from: <https://nssab.qld.edu.au/Publications/reports.php>

Alongside the opportunities presented by Queensland's predicted internal population growth are some significant challenges for the sector.

Alongside the opportunities presented by Queensland's predicted internal population growth are some significant challenges for the sector. 2022 marks the commencement of the Australian Government's new Direct Measure of Income (DMI) funding model for all non-government schools. The funding changes are significant and will impact individual independent schools differently over the 10-year transition period.

Recent national and local media coverage on the funding losses some schools are forecast to experience has brought public attention to the issue. School governing bodies would be well placed to have a clear and effective communications plan to respond to questions within and beyond their school communities about what the changes mean for their schools.

Maintaining the very high levels of confidence and trust parents and the community have in the sector is vital to its ongoing success and growth.



CHRISTOPHER MOUNTFORD
Chief Executive Officer

MEET THE NEW ISQ CEO

Creating more school choice for new and existing Queensland families is a key goal for Independent Schools Queensland's new Chief Executive Officer Christopher Mountford.

[**READ MORE**](#)

DOES REGULATION MAKE A DIFFERENCE TO NON-STATE SCHOOLS?



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“Governments in every country set up the overall framework that shapes their education system and defines its operation. They determine the organisation and structure of the system, who is allowed to provide compulsory education, what choices of schools are available to parents and students, what mechanisms are in place to finance education, its overall goals, as well as the standards by which providers are held accountable”.

OECD REVIEW EDUCATION POLICIES

Education is universally acknowledged as “one of the most important investments a country can make in its future” (Global Partnerships for Education, 2021). Education is high stakes because it attracts significant levels of State and Commonwealth government funding. Naturally governments need to keep track of the taxpayer money they are spending, and no one would argue against the need for transparency and accountability.

There have been numerous regulatory reviews over the years, the most recent in 2018 looked into the effect of bureaucracy on non-state education and concluded “the regulatory environment should not seek to specify a particular ideal model for a school, but should be supportive of a diversity of schools and types of schooling” and be “designed to protect the public’s interest in the standard of schooling and the safety of children, and is minimally intrusive in the operational affairs of schools” (Australian Government, 2019).

Despite this, non-state schools are heavily regulated with more than 40 pieces of State legislation and some 15 pieces of Federal legislation covering areas as diverse as overseas students, copyright and privacy (Independent Schools Australia, 2018).

It would be a brave Education Minister, or any politician for that matter, who would abolish large amounts of regulation that apply to non-state schools. But the question must be asked, does all of this regulation make a difference to student outcomes? If

the answer is no, why do it and what are the alternatives?

Government funding policy and new school accreditation

Parents meet a significant proportion of independent schooling costs with the remainder shared by the Australian and Queensland Governments. The Australian Government is the majority public funder of non-state schools. The Queensland Government is the majority public funder for state schools. Under current funding arrangements, the Australian and Queensland Governments have set a timetable to move independent schools to a new funding mix that will see them receive 80% of their total public funding entitlement from the Federal Government and 20% from the State Government. Schools supplement public funding with funding from other sources, including fees and other contributions from school communities.

Independent schools educate more than 15 percent of school age Queenslanders, support 33,560 full-time jobs worth \$2.95 billion in wages and salaries and contribute \$4.88 billion to the Queensland economy. This economic contribution represents an average of \$40,300 per Queensland independent school student – an average return of \$3.66 for every \$1 of State and Commonwealth Government investment (Independent Schools Queensland [ISQ], 2020).

Despite this contribution, successive governments have differed regarding

what is the right policy to fund and accredit non-state schools.

Commonwealth

Since 1963, under Coalition Prime Minister Robert Menzies, State Grants from the Commonwealth Government went to non-state schools for specific projects such as science facilities. Regular Commonwealth Government funding for non-state schools first started in the 1970s under the Australian Labor Party (ALP) Prime Minister Gough Whitlam (ISQ, 2018).

On winning office in 1972, the Whitlam Government moved quickly to implement school reforms promised during the Federal election campaign, appointing Professor Peter Karmel as Chair of The Interim Committee for the Australian Schools Commission that produced the landmark Karmel Report, *Schools in Australia*. The report opined, amongst other things, that the “uncoordinated expansion of the private sector could lead to a wasteful duplication of resources” (Australian Government, 1973, p. 12).

In 1985, the Schools Commission report, *Planning and Funding Policies for New Non-Government Schools*, provided recommendations for the Hawke Government’s 1986 *New Schools Policy*. Based on policy directions derived out of the Karmel Report, this policy’s intent was to introduce stronger controls over the establishment and growth of new non-state schools.

A decade later, the 1996 election policy platform of the Coalition included the abolition of Labor’s *New Schools Policy* and, upon election, the policy was

abolished early the following year. In a media release in May 1996, the new Education Minister, Dr David Kemp, said that the *New Schools Policy* had been implemented to restrict parental choice in education by limiting the number of new non-government schools, but had failed to achieve this objective. The abolition of the *New Schools Policy* was described by Dr Kemp as being ‘one of the most satisfying moments’ in his early tenure as Minister. From 1 January 1997, in order to qualify for Commonwealth funding, new schools only had to meet the registration requirements in their particular state or territory (Wilkinson, et al., 2007, p. 152). In his doctoral thesis on State aid, Kelvin McQueen concludes that the abolition of the new schools policy “was one of the few actual deregulatory processes to be used in the state aid struggle” (2003, p. 69).

State

In response to the abolition of the Commonwealth’s *New Schools Policy*, the Queensland Government set up its own planning approval processes for new non-state schools (independent and Catholic). In September 1997 a set of Ministerial guidelines were issued called *Queensland Non-State Schools Planning Assessment of Individual Applications*. These guidelines were largely based on the defunct Commonwealth *New Schools Policy*, using the same suite of restrictive criteria.

The validity of decisions made under this Minister-approved regime were soon challenged in the Queensland

Parliament by the Opposition. These challenges led to retrospective legislation through amendments to the *Education (General Provisions) Act 1989* (Qld) that also enacted new Planning Guidelines 2000 (s 134A). The validity of these earlier planning decisions was given further certainty with the passage of the Education (Accreditation of Non-State Schools) Bill 2001 that established the Non-State Schools Accreditation Board (NSSAB).

The *Education (Accreditation of Non-State Schools) Act 2001* provided for continued planning restrictions on new non-state schools in line with the recommendations of the *Report of the Review of Accreditation and Accountability Arrangements for Queensland Non-State Schools 2000* undertaken by Professor Roy Webb. The Webb Report stated that “...the Funding Committee is directed to have regard to matters of impact, choice, minimum enrolment thresholds, school age population growth and unfilled enrolment capacity” (para 5.1 & 5.2). The passage of this Act ensured Queensland regulators continued the planning regime that had begun in 1986 with the Hawke Government’s *New Schools Policy*. It was not until this legislation was replaced with the current *Education (Accreditation of Non-State Schools) Act 2017* that thirty years of restrictive non-state schools planning regulation were gone.

The 2017 Act abolished the Eligibility for Government Funding Committee, a committee of NSSAB, and its suite of planning assessment criteria. This change finally resolved a policy conflict internal to the proposals of the Webb Report that, on the one hand, recommended continued planning restrictions but on the other had also stated that the proposed “system of regulation should not seek to limit the number of new non-State schools per se” (Sampford, 2001, p. 10).

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DOES REGULATION MAKE A DIFFERENCE TO NON-STATE SCHOOLS? CONTINUED

Current regulation of eligibility for government funding is now detached from planning considerations and is limited to consideration of several governance matters (s.10, *Education (Accreditation of Non-State Schools) Act 2017*).

Since 2017, the abolition of Queensland's planning restrictions of new non-state schools has not led to adverse systemic outcomes, such as the potential 'wasteful duplication of resources' posited by Karmel, nor severe impacts on the viability of existing schools. The fact that the regulators' fears were not realised may be instructive for future policy responses and development of regulation related to schooling.

Public policy frameworks must be dynamic to best accommodate changes to social and economic practices. The disruption wrought by the COVID-19 pandemic has seen 'normal' practices and understandings about schooling challenged. There is growing evidence that schools, in responding to these challenges, have adapted and innovated in ways that push beyond the current regulatory boundaries and give credence to the adage of 'practice leading policy'.

Case Study: Distance Education

There are several areas where the current Queensland accreditation regulatory regime could do with an update, in particular the existing policy framing of 'distance' education relative to 'classroom' education.

Section 13 of the *Education (Accreditation of Non-State Schools) Act 2017* concerns 'mode of delivery of education' and provides that "a school may only be accredited to use the following modes of delivery of education – (a) classroom education; (b) distance education". This distinction is problematic at two levels – the antiquated binary categorisation of 'distance' and 'classroom', and also the language of 'mode of delivery'.

Distance education is historically rooted to earlier times when State education provision was structured according to the residential locality of students, who by regulation were compulsorily required to 'attend' school. Where it was inefficient to provide an actual classroom, technology allowed students in remote, isolated areas to connect to formal schooling, for example via radio. Few students were granted permission to access distance education who were not actually residing in remote areas – these special cases included for reasons such as illness and unavoidable travel.

Increasingly, and at odds with the notion of isolation, non-state schools of 'distance' education have provided choice of schooling to students who are not residing in remote locations. During and following the COVID-19 related lockdowns, a growing number of schools are now seeking a new conceptualisation and policy framework to legitimise newly adopted and emerging practices.

As MacMahon et al. (2021) have reported: "the shift to remote learning required educators to change how they approached learning and teaching, with the majority of schools moving to some form of online learning and teaching program. For some schools, this shift was a radical change, whilst for others it was an acceleration of ideas and practices already in place." 'Blended education' has come into its own in post-COVID schooling.

A refreshed accreditation regime needs to accommodate the 'new normal' for how teachers and students want to engage in teaching and learning. Schools not currently accredited for 'distance education', are seeking to engage more fully and regularly with students in out-of-school contexts.

The terminology 'mode of delivery' carries an embedded meaning that positions education as an 'object' to be delivered. However, a more nuanced and contemporary conceptualisation views education as essentially various forms of teacher/student engagement – an engagement that should seamlessly continue in and out of the school environment. Therefore, it could be argued that diverse forms of student 'engagement', rather than 'modes of delivery', should be incorporated into the legislation to acknowledge the flexibility underpinning emerging school practices.

A refreshed accreditation regime needs to accommodate the new 'normal' for how teachers and students want to engage in teaching and learning.

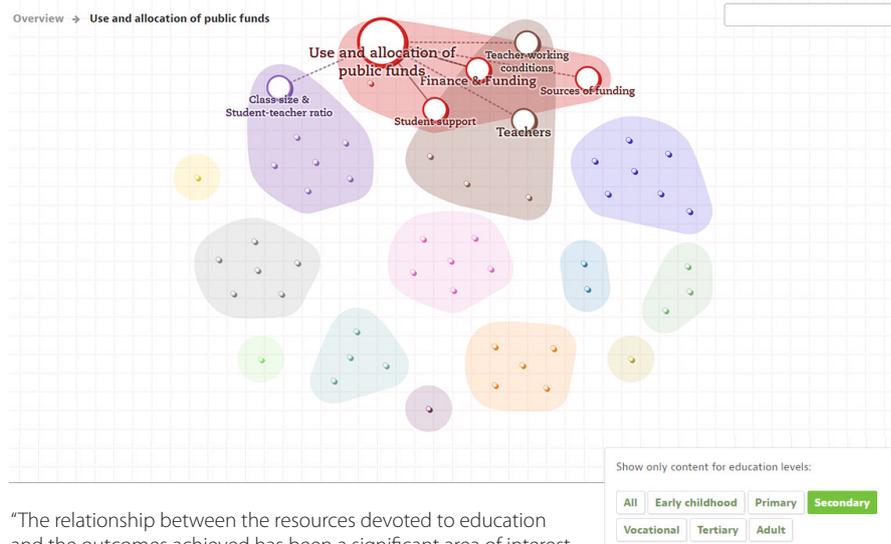
Measuring Outcomes

Historically, it was the provision of State aid (government funding) to non-state schools that prompted the initial forms of regulation – establishing accountability for the use of increased public funds. Progressively, regulation also encompassed a focus on quality assurance and outcomes. Illustrating this, the Commonwealth Government’s current key funding program for schools is called “Quality Schools, Quality Outcomes” – enacted through the *Australian Education Act 2013*.

This highly focused attention on the outcomes of schooling has given rise to national testing regimes, recurring efforts at policy reforms to lift ‘performance’ and continual demand for further financial resources dedicated to schooling. The Hon Alan Tudge MP, Minister for Education and Youth, has summarily stated: “As I have said repeatedly, with the funding wars behind us, our focus is now on how our record funding for Australian schools is spent to lift student outcomes” (Tudge, 2021, para. 10).

Recent national and international test reports have pointed to little improvement in the academic performance of Australian students. However, Queensland as a whole has made some positive gains over the years since National Assessment Program – Literacy and Numeracy (NAPLAN) began in 2008. While Queensland has improved, the state still trails behind its southern counterparts in many areas of student achievement. On the international stage, independent school students continue to perform exceptionally well in the Programme for International Student Assessment (PISA). Australian independent high school students rank among the world’s best (ISQ, 2017b). According to AEC Group’s report, enhanced education outcomes by Queensland’s independent school students deliver \$217.1 million extra to Gross State Product (ISQ, 2020).

Figure 1: Use and allocation of public funds



“The relationship between the resources devoted to education and the outcomes achieved has been a significant area of interest among governments as they seek to provide more and better education for their citizens” (OECD, 2020).

The OECD’s Review of Education Policies states:

The relationship between the resources devoted to education and the outcomes achieved has been a significant area of interest among governments as they seek to provide more and better education for their citizens. At the same time, given the increasing pressure on public budgets, there is intense interest in ensuring that public funding is directed so as to achieve the desired outcomes as efficiently as possible (OECD, 2020, para. 1).

System evaluation is an important governance tool with policy implications. To monitor students’ learning goals, and to assess the impact of education policies and schools’ compliance to regulations, countries employ a range of strategies to varying degrees. These include data collection (e.g. use of education indicators), measures of student outcomes (obtained through national assessments or examinations), school inputs and processes (for example, from school inspections and/or school self-evaluations), as well as results of appraisals of teachers and school leaders.

The Queensland Productivity Commission states:

The goal of accurately measuring school education output has broad implications. A credible measure for output helps policy makers to deliver value for taxpayer money and improve sector performance. As the government is not only a service provider of education, but also a regulator and policy maker, it is valuable for the government to develop a better understanding of what is driving efficiency and inefficiency in schools in order to improve student outcomes. Further, the educational attainment of the workforce is a driver of productivity at the economy-wide level (Queensland Productivity Commission, 2019, p. 1).

Alternatives

The social and economic consequences of over-regulation, or poorly framed regulation, are evident in the recent Queensland Productivity Commission research paper, *Improving Regulation*:

There has been continual growth in the volume and scope of regulation in Australia over recent decades... several national and state reviews have raised concerns that at least some regulation is not delivering a net benefit to the community.

DOES REGULATION MAKE A DIFFERENCE TO NON-STATE SCHOOLS? CONTINUED

If regulation is not well-designed and effective in addressing problems, or is no longer effective because of changing circumstances, then community wellbeing can be improved by eliminating or modifying it. (Queensland Productivity Commission, 2021, p. i).

Modern regulatory practices offer a range of potential responses by authorities when making or amending regulation. The Queensland Government's own *Guide to Better Regulation* states that "consideration of regulatory best practice principles helps ensure the introduction or amendment of regulation is necessary, effective and minimises the burden on affected stakeholders" (Queensland Treasury, 2019, p. 4).

Explicit regulation in the form of primary and subordinate legislation is seldom the only option available to government. According to the *Guide to Better Regulation* "There are a number of other alternatives that should be considered if they have the potential to achieve the government's objective. These include:

- Self-regulation – generally characterised by industry formulated rules and codes of conduct, with industry solely responsible for enforcement.
- Quasi-regulation – includes those rules, instruments and standards by which government influences business to comply, but which do not form part of explicit government regulation. Examples can include government endorsed industry codes of

practice or standards, government issued guidance notes, industry-government agreements and accreditation schemes.

- Co-regulation – generally characterised by situations where industry develops and administers its own arrangements, but government provides legislative backing to enable the arrangements to be enforced" (Queensland Treasury, 2019, p. 20).

Conclusion

There is widespread agreement on the benefits of education and therefore its worthiness of government funding. The Australian Government Department of Education states: "a strong and sustainable schooling system that ensures all children receive an excellent education matters for Australia's future... Strong education outcomes result in better work and life opportunities for us all" (Australian Government Department of Education and Training, 2016, p. 1).

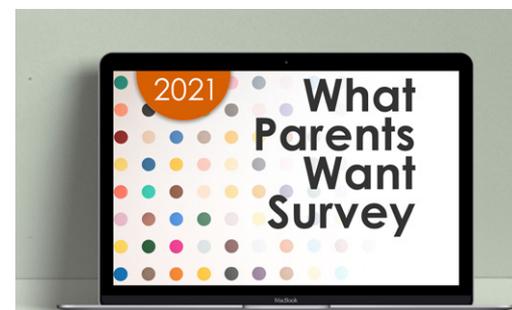
The current focus of school regulators is on the quest for outcomes and meeting standards. But care is needed to avoid an approach to standardisation that stifles innovation, parental choice and diversity.

Since the 1980s, in OECD countries, there has been an increased push for greater school autonomy and school choice in policy debates. Governments have realised that the alignment between them and the various systems and stakeholders is an important factor in helping countries achieve

their educational goals (OECD, 2020). Despite this, schools remain heavily regulated with at least 55 pieces of legislation.

It is understood that the Queensland Government will be reviewing the *Education (General Provisions) Act 2006* later this year. The Queensland Productivity Commission (2021) highlights over the last decade, governments in Queensland and elsewhere have explored ways to improve how regulation is made, reviewed and administered. Despite some successes, there remain significant opportunities to pursue regulatory reform and modernise the regulatory regime. This is one such opportunity.

While a review of the General Provisions Act is underway it would also be a good time to review the Accreditation Act, especially in light of the changes schools have made in response to the pandemic.



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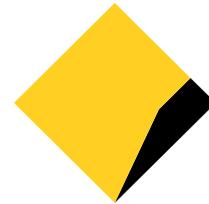
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