



ASSOCIATION OF HEADS OF INDEPENDENT SCHOOLS OF AUSTRALIA

Committee Secretary
Senate Education, Employment and Workplace Relations References Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Friday 21 June 2013

Dear Secretary,

Thank you for the opportunity to make a submission to the Senate Education, Employment and Workplace Relations References Committee Inquiry into the *Australian Education Bill 2013* (as amended) ("the Bill") and the *Australian Education (Consequential and Transitional Provisions) Bill 2013*.

Summary

The Association of Heads of Independent Schools of Australia (AHISA) is a professional association for Principals of independent schools across Australia. Members' schools include day and boarding, and are of religious and non-denominational affiliations. The primary objective of AHISA is to optimise the opportunity for the education and welfare of Australia's young people through the maintenance of collegiality and high standards of professional practice and conduct amongst its members.

The membership of AHISA comprises principals of some 410 independent schools with a collective enrolment of approximately 400,000 students, representing 11 percent of total Australian school enrolments and 20 percent of Australia's total Year 12 enrolment. The socioeconomic profile of AHISA's members' schools is diverse, with over 20 percent of members' schools with an SES score of less than 100.

In February 2013, AHISA made a submission to the Senate Education, Employment and Workplace Relations Legislation Committee on the *Australian Education Bill 2012*. This current submission draws on representations made by AHISA in its February submission, and includes, where possible, our responses to issues raised by amendments contained in the *Australian Education Bill 2013*. In doing so, we take the opportunity to point out that, given the very short timeframe given by the Committee to receive submissions, opportunities for consultation have been limited. However, many of AHISA's concerns remain as expressed in its February submission.

Below, AHISA provides background in respect of school autonomy including the link between autonomy and good educational outcomes, before highlighting aspects of the Bill that, we believe, have the capacity to limit such autonomy, and to divert resources that are better engaged in teaching and learning activity. AHISA does not specifically address the issue of school funding, apart from commenting on the use of data to calculate loadings. AHISA has not been specifically involved in what are ongoing negotiations in respect of funding models and arrangements between the Commonwealth and State/Territory governments. However, we highlight, as before, the need for a rapid and satisfactory outcome in funding negotiations that provides a consistent and stable revenue base for schools to plan their activities.

COLLEGIAL SUPPORT FOR EXCELLENCE IN SCHOOL LEADERSHIP

School autonomy

AHISA's earlier submission emphasised the need to preserve school autonomy. Our experience, we believe, mirrors international evaluations such that there appear to be correlations between improved educational outcomes and school autonomy, where there is also accountability. It is imperative, in our view, that the form of this accountability enhances, and does not stifle or inhibit, the autonomy for school leaders to make decisions about teaching and learning practices in the best interests of their schools and school communities. This needs to include the benefit of the insight of school leaders into matters such as demographics, other local matters and whole-of-school approaches to teaching and learning. Above all, we seek that measures of accountability should be high level and should allow schools to do what is best in their own environment, rather than be prescriptive and limiting.

AHISA has earlier submitted that any school improvement plan (whether the national plan, or an arrangement with a Government or non-government education authority to implement agreed objectives through a school improvement plan) should be constructed in terms that adequately reflect differences of approach between schools, either in the application of a plan or in the evaluation of results. It is important that this is not process-driven or exhausts resources that should be directed at teaching activity, but is directed at accountability where there is a clear and demonstrable link between the adoption of practices and the provision of data on the one hand, and school improvement on the other. Unless there is flexibility within this process, the capacity of independent schools to exercise leadership including informed decisionmaking about such matters as resource allocation and teaching practices may be compromised.

While there is a range of systems operating within the independent schools sector, by and large the sector is characterised by the localised or 'independent' nature of the governance of the schools within it and the operational autonomy invested by the school governing body in the principal. Empowered leadership in the independent sector embraces a wider understanding of school autonomy than the freedom to select staff or manage budgets, and includes the operational autonomy to positively shape and lead the educational, pastoral, community, financial, spiritual, cultural and managerial practices in schools. AHISA has devoted a great deal of attention to the development and promotion of a research-based best practice model of autonomous school principalship. This model acknowledges recent international research, including that conducted by the OECD, which has shown that effective school leadership plays a key role in improving school outcomes by influencing the motivations and capacities of teachers, as well as school climate and environment.¹ In addition, research into school leadership commissioned by US-based philanthropic organization The Wallace Foundation found that the total (direct and indirect) effects of leadership are second only to teaching among school related factors in their impact on student learning, and account for around 25 per cent of total school effects.²

As noted in the *Review of funding for schooling – Final report*, among factors cited as contributing to student achievement in high-performing schooling systems are 'using funding where it can make the

¹ Pont, B., Nusche, D. and Moorman, H. (2008) *Improving School Leadership, Volume 1: Policy and Practice*. Paris: OECD.

² Leithwood, K., Louis, K., Anderson, S. and Wahlstrom, K. (2004) *How leadership influences student learning*. New York: The Wallace Foundation.

most difference' and 'increasing school-level autonomy balanced with appropriate accountability'. These two factors meet in the role of the principal, who is uniquely positioned to ensure resources are appropriately targeted within a school. This position is supported by the Productivity Commission. In its recent report on the schools workforce, the Commission found: 'Increased school autonomy removes impediments that can prevent principals and other school leaders tailoring school operations to best meet the needs of the local communities they serve. It thus has the potential to improve student outcomes'.³

AHISA advocates strongly that school effectiveness is supported by autonomous school principalship. If schools are to have environments conducive to high levels of student and teacher achievement, principals must have the operational autonomy to positively shape the practices of their school. It is important, then, that governments support the autonomy of school leaders. AHISA acknowledges that autonomy must be exercised within an overarching framework of agreed goals and accountabilities. However, AHISA is concerned that moves to prescription covering a range of schooling functions should be appropriately balanced with greater principal and school autonomy. In our view, there is a danger that, while seeking to empower school leaders to make decisions and implement strategies at the local level to obtain the best outcomes is a strongly desirable direction of reform, any National Plan should not undermine such positive reform through setting benchmarks for empowered school leadership that could have the effect, in essence, of limiting school autonomy through prescription.

Crucially, it should be recognised that the independent schools are governed and operate in such a way that accountability resides in the relationship between the school (including the principal), the Board of a school and the school community. The culture of independent schools in general reinforces this accountability. Where measures for accountability are being assessed, this existing relationship of accountability should be taken into consideration, and great care taken not to limit the degree of autonomy or adaptive capacity of independent schools.

Response to *Australian Education Bill 2013*

Ongoing policy requirements

The Bill includes at Clause 3 (5) that "Leaders in schools will have the resources, the skills, and greater power, to make decisions and implement strategies at the local level to obtain the best outcomes for their schools and school students". AHISA welcomes the sentiment expressed here. However, we believe that other elements of the requirements introduced in this legislation and to be introduced through regulations have the capacity to undermine the capacity of school leaders to make decisions that obtain the best outcomes for schools and students.

In this respect, AHISA notes that the Bill introduces new ongoing policy requirements (and provides for the imposition of penalties) at Clause 77, including that:

77 Ongoing policy requirements for approved authorities

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³ Productivity Commission (2012) *Schools Workforce*. Research Report. Canberra; page 34.

(2) The ongoing policy requirements for an approved authority for the schools for which the authority is approved are the following:

- (a) the approved authority has in place processes and procedures for enhancing principal and teacher performance and professional development at the schools in accordance with the regulations;*
- (b) the approved authority implements a curriculum at the schools in accordance with the regulations;*
- (c) the approved authority ensures that the schools participate in the national assessment program in accordance with the regulations;*
- (d) the approved authority ensures that:*
 - (i) the authority has a school improvement framework in accordance with the regulations;*
 - and*
 - (ii) each school develops, implements, publishes and reviews a school improvement plan in accordance with the regulations;*
- (e) the approved authority complies, and ensures each school complies, with relevant disability discrimination laws of the Commonwealth, a State or a Territory;*
- (f) the approved authority provides information in accordance with the regulations.*

(3) Without limiting paragraph (2)(f), the regulations may require the approved authority to provide the following information:

- (a) information relating to a school's census;*
- (b) information for the purposes of a national program to collect data on schools and school education;*
- (c) information for the purposes of conducting research on schools and school education;*
- (d) information relating to any implementation plan of the authority or a school improvement plan for a school;*
- (e) information relating to the administration and operation of a school;*
- (f) information in reports to persons responsible for students at a school;*
- (g) information provided to the public about a school.*

The Bill further provides that the Minister may vary or revoke an authority's approval if the Minister is satisfied that the authority does not comply, is not complying, or has not complied with these sections.

With requirements for such things as school improvement plans, principal and teacher performance and development processes devolved to regulations, it is difficult for AHISA to ascertain how onerous or prescriptive these requirements are to be. Additionally, AHISA cannot judge whether any such requirements will have the effect of limiting the capacity for principals to exercise empowered school leadership which makes decisions based upon a thorough knowledge of schools, students and their communities, and what will work best in a particular setting. Accordingly, AHISA cannot be satisfied that such requirements may not be overly bureaucratic, centralised and have the effect of stifling initiative, creativity and the development of best practice at a school level. This is a matter of particular concern for AHISA.

Similarly, the requirement for an implementation plan (specified at Clause 99) requires that independent schools must develop implementation plans explaining how the school intends to implement the education reforms outlined, and setting out activities, programmes and initiatives, and milestones and

timelines for implementation. AHISA believes that it is of importance that such a plan includes the capacity at once for schools that are already undertaking initiatives in these areas to include these initiatives in their implementation plan, that such a framework does not have the effect of diverting resources where they are being usefully directed, and that the effect of developing and reporting on such a plan does not result in an onerous administrative burden on schools (many of which have scarce resources) with the effect of removing resources from teaching and learning.

In making this and other requirements subject to punitive action by the Commonwealth including the recovery of funding, the effect is such that the Commonwealth is now granted significant additional regulatory power. This occurs in a context where independent schools are already subject to significant regulation.

Data

The amendments provide for six loadings for schools' recurrent funding, and set out how these loadings are calculated. Schools can receive additional funding through loadings for:

- students with disability;
- Aboriginal or Torres Strait Islander students – for every Indigenous student;
- students with a low socioeconomic status – for every student in the bottom half of socio-economic backgrounds;
- students who have low English proficiency;
- schools that are not in major cities – ranging from 10% for schools in regional areas to 80% to very remote schools; and
- schools that are not large schools (size loading).

It is generally appreciated that the data driving these loadings is deficient in some respects. AHISA understands that initial allocations will be made using proxy measures. In the medium term, it is likely that independent schools will be required to undertake a resource-intensive data collection and refinement regime. Unlike systemic schools, non-systemic schools do not have the capacity to offset the cost of compliance to system authorities. Additional costs will ultimately fall on parents.

AHISA also regards it as important that the desirability of the adoption of any nationally imposed strategy or target does not outweigh the consideration that schools will have differentiated capacity to meet any such targets, including the level of resources. It is important that means are put in place to assist schools with less resource capacity, and that a punitive approach is not adopted where schools have less capacity to address policy priorities.

AHISA has suggested in the past that the Government considers a rigorous benefit test for the imposition of any additional regulation, prescription or benchmark associated with reforms. Such a benefit test should include:

- how does the regulation impact on existing practices (both positive and negative);
- how does the regulation promote positive reform and the adoption of good practice;
- what may be the negative effects of such regulation, including the additional cost of compliance and the limiting of innovation and autonomy on the part of schools and school leaders;

- in particular, given the criticality of building the capacity of the teaching profession to achieve good educational outcomes, does any prescription result in the loss of professional flexibility, creativity and autonomy.

We continue to assert that such a test is a necessary part of assessing whether reforms have a positive effect on teaching and learning.

Conclusions

AHISA is concerned that elements of the legislation as presented, and to be enacted through regulation, have the capacity to engender the stifling of initiative, creativity and the development of best practice at a school level, and to divert resources through the imposition of an onerous reporting regime without there being a demonstrated link between such reporting and improved outcomes. In addition, in making requirements subject to punitive action by the Commonwealth including the recovery of funding, the effect is such that the Commonwealth is now granted significant additional regulatory power. This occurs in a context where independent schools are already subject to significant regulation.

To alleviate this, AHISA is of the view that, at the least, significant consultation with the independent schools sector should be undertaken as requirements are codified.

Thank you for the opportunity to provide a submission.

Yours sincerely,

Kim Cull
Chief Executive Officer
Association of Heads of Independent Schools of Australia