

5 April 2016



Dr G. G. Jacobs, MLA
Chair Education and Health Standing Committee
Parliament House
PERTH WA 6000

Dear Dr Jacobs

INQUIRY INTO THE DEPARTMENT OF EDUCATION'S INDEPENDENT PUBLIC SCHOOLS INITIATIVE

As Executive Director of the Association of Independent Schools of Western Australia I am responding to the invitation to Mr Stuart Marquardt, the Chair of AISWA, to make a submission to this Inquiry. The request was to have input into the topic:

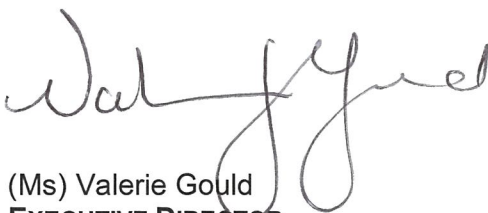
***The impact of Independent Public Schools on Independent Schools,
students, teachers and the broader communities.***

Attached is AISWA's submission which has been approved by the Board of AISWA.

AISWA would also welcome the opportunity to meet with the Education and Health Standing Committee to expand upon some points and respond to any questions the committee may have.

Thank you again for the invitation to respond.

Yours sincerely



(Ms) Valerie Gould
EXECUTIVE DIRECTOR



Submission to the Inquiry into the Department of Education's Independent Public Schools Initiative from the Association of Independent Schools of Western Australia.

Independent Schools are diverse in nature, they provide for students of all abilities from all social and ethnic backgrounds, including an increasing number of students with special needs. They provide quality schooling for a wide range of communities, including some of Western Australia's most remote and disadvantaged Indigenous communities, communities in regional towns and cities and diverse communities in Perth.

Many Independent Schools espouse a religious or values-based education, while others promote a particular educational philosophy.

The Independent sector, and schools in the sector, want every student to have the best opportunities to exceed their potential, regardless of what school they attend. Providing more autonomy to Government schools may deliver better learning outcomes for their students as the school would have greater freedom to provide programs that suit their cohort than may be the case in a traditional government school. We would support those initiatives that deliver better student outcomes for all students.

However, the introduction by the Western Australia Government of a category of schools within the government sector referred to as "independent public schools" (IPS) has created considerable confusion. What the term 'Independent' has genuinely been understood to mean in the Western Australia education for nearly 54 years, and the current use of IPS in the public sector, is now blurred and causes confusion. The confusion results from the use of the term 'independent'.

The public schools now referred to as "independent" is misleading. Such schools have limited autonomy. Such public schools do not have the power to fully self-determine their operations. They are obliged to meet teacher awards (the *Department of Education State Agreement*) and workplace entitlements, and are subject to a range of department policies and accountability requirements. These public schools have no separate legal status.

Ultimately the word 'independent' represents 'independent from Government'. An independent public school is not independent from Government, they only have a degree of self-determination in a number of limited areas. This in no way represents independence, it is limited self-determination or self-guidance only.

What it means to be a truly Independent School in Western Australia

Independent Schools have been so named in Australia and recognised under this name for 54 years. The Association of Independent Schools of Western Australia (AISWA) was formed 54 years ago to represent the interests of Independent Schools in Western Australia. AISWA is a registered industrial organisation under the *Industrial Relations Act 1979* and is a member of the Independent Schools Council of Australia that represents the interests of all Independent Schools in Australia.

The following list illustrates some of the distinctive features of genuinely Independent Schools:

- Each Independent School has legal status in its own right. Each school is separately constituted under its own constitution.
- Independent Schools are owned and operated by a separately constituted association or organisation and as such, determine the strategic directions of the school whilst meeting all legislative requirements. Some Independent Schools are part of a small system within the sector and these have an independent governing body that makes determinations for the schools in that small system.
- Independent Schools are separately registered by the Minister of Education and must have a constitution that outlines the structure roles and responsibilities of the governing body.
- The governing body of an Independent School is responsible for the strategic planning for the school, the selection and support of the principal and the financial viability of the school.
- In an Independent School it is the school's governing body that is ultimately responsible for the welfare of students and the school and ensuring the school meets the standards required by the Education Act.
- Independent Schools develop their own behavioural management and discipline policies that suit the needs and culture of their school and the community they serve.
- Many Independent Schools have their own Enterprise Agreements and others work under the conditions of the *State Independent School Teachers' Award (1976)* or the *Federal Educational Services (Teachers) Award (2010)*.
- Independent Schools develop their own culture, ethos and values system that is reflective of each Independent School's belief structure.

Impact of independent public schools on Independent Schools.

The largest impact is the considerable confusion caused by the use of the word independent to describe a type of government school. The first Independent School established in WA was Hale School and that was over 160 years ago. Since then many Independent schools have been established and there are now 158 Independent schools educating 16.2% of the students in this state [2015 ABS data].

Some examples of the confusion that has resulted by the use of the term independent are:

- The media often refers to an independent school and drops the word public so a headline '*Independent school board sacks principal*' sounds like an Independent School but was in fact Nollamara Primary School – a government school.

- AISWA receives a number of calls each week from parents wanting advice or to make a complaint about a school that they state is independent. Often after many minutes it becomes obvious it is actually a government school. When this is advised to the parent, some have responded to the effect that “we called the Education Department and they sent us to you”. Again, the word public was never mentioned. This is not only time consuming for AISWA staff but also annoys the parent more as we then need to send them back to the Department and stress they should say independent public school.
- Each year AISWA runs a Teaching in an Independent School Seminar. This is publicised through the universities and by a public advertisement and is very clear it is an AISWA event. Two years ago after the panel of 10 principals representing the diversity of Independent schools had finished, two very irate teachers contacted AISWA to complain very loudly that there were no independent public school principals on the panel and that was outrageous. It took the representative from AISWA quite a while to calm them down as AISWA explained that this was a seminar for Independent schools not government schools. It was clear they had no idea of the difference and they were both teachers in the government sector.
- Many independent public schools can take international students. The international market is confused as the families think they are enrolling their students in an Independent School in WA while in reality it is a government school. This issue has the potential to impact the marketability of WA schools to the international market.
- The Independent sector has a number of Curriculum and Re-Engagement Schools (CARE) that cater for students at educational risk and many of their students are referred to the schools by government schools, the Department of Children and Family Services, juvenile justice etc. While these schools have very low fees they do levy a fee. However, they are often challenged about their right to charge fees with the misplaced perception that Independent Schools are run by government. This all takes time from the principal's busy day to explain to parents the difference and convince them that they can in fact charge fees.
- The Department of Education and the Department of Education Services (DES) have acknowledged the confusion caused by the term when they tried to change/modify the name of Independent Schools. One was in the Independent School instruction booklet for national testing which they labelled ‘Private Schools’ booklet. AISWA strongly objected to that and it was changed. The Department's reasoning was that there was confusion if it was labelled “Independent Schools” booklet. Last year the Department of Education services tried to use the term “non-Government Independent Schools”. Another objection was raised by the Independent sector. It was evident from both these situations that government agencies recognised the confusion but the solution should not be to change a name recognised as Independent Schools for many decades but to change the name of the group of schools named independent public schools that have been so called for less than 10 years.

We do not support the use of ‘private’ to describe Independent Schools as that is often seen to mean the long established high fee schools which represent less than 10% of our membership.

Now that there are 445 “independent public schools” and that equates to 70% of teachers and students in the Government system in IPS, this model is almost the norm for Government schools. This will be more so when another 50 are added next year. In addition as all government schools have a one-line budget, the features of IPS are slowly becoming part of all government school operations. Perhaps the need for distinction between government schools and independent public schools was necessary during the evolution to that model but with the great majority of government schools being IPS why the distinction?

In addition, the community sees the independent public schools as better than government schools so there is now a perceived hierarchy of government schools and high performing teachers are increasingly taking the opportunity to move to a high performing IPS rather than stay in very needy lower SES schools.

Independent Schools go through a very strict registration process conducted by the Department of Education Services (DES). This is done to ensure compliance with the Standards for Non-Government Schools. Over the years this process has become very onerous for schools and some schools have to go through it every year, with others every two, three, four or five years. This year is meant to see some changes in the process for some schools but for many it will be a full inspection of compliance with all standards. Government schools including “independent government schools” are reviewed but the process is very different and their review has a focus on what the school is doing to improve student outcomes and has a forward looking positive focus rather than the reviews of Independent Schools that are much more process driven. To add to the confusion a number of reviewers work in both Independent Schools and independent public schools. It is evident from some of the registration reports on Independent Schools that the reviewers are confused resulting in recommendations that schools adhere to Department of Education policies whereas Independent Schools have their own policies that address legislation and regulations.

When the term independent public school was first introduced by the then Education Minister, Dr Liz Constable, AISWA wrote to her requesting a different term be used because Independent is a brand name for our sector and we knew confusion would result. The name has persisted despite further expressions of concern to Minister Collier.

A different name for such schools without the word “independent” would stop that confusion and misconception by many members of the public and the education sector.

While imitation is the highest form of flattery, in this case it has only resulted in confusion and an increased workload for the Independent sector as we try to sort it out; such work is an unnecessary distraction from enabling the best possible learning outcomes for students in West Australia’s Independent schools.

In summary, the use of the term “independent public school” to describe a government school has created considerable confusion and misunderstanding in Western Australia.