



Catholic Education
Commission NSW

Submission to Review of BOSTES

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Executive Summary

Catholic schools in NSW have long and deep experience with the Board of Studies (since 1990) and the Institute of Teachers (since 2004), and now the BOSTES (since 2013). Learning and reflecting on this engagement, the CECNSW expresses its unqualified appreciation for the NSW BOSTES which, as the statutory body overseeing the education of students in all three sectors (Government, Catholic, Independent), has provided quality leadership, direction and support for all NSW students. Further, CECNSW has always strongly supported the 2013 amalgamation of the NSW Board of Studies and NSW Institute of Teachers because of the importance of maximising the integration of teaching, learning and assessment for the betterment of all students. The CECNSW therefore considers that this review, is about making a relatively new, but highly reputable and well-functioning, authority even better. It is about ensuring BOSTES is both properly oriented and adequately equipped to meet the rapidly changing context of schooling for all NSW schools. That context is not only local but national and global.

This submission draws attention to present shortcomings in structure and operation, then highlights the potential for a focus on school improvement and quality in the remit of BOSTES, beyond the main current focus on compliance. The BOSTES should be the NSW thought leader in curriculum and assessment, teacher quality and governance. CECNSW would support a move towards a focus on standards for all educational practices in schools although not at the expense of greater compliance demands on teachers and administrators.

Looking ahead, the CECNSW believes that the time has come for a more tightly integrated mode of dealing with curriculum, assessment and teaching in particular. Rather than further modify and amend the present BOSTES, it is proposed that this goal is best achieved through establishment of a new statutory authority (called perhaps the 'NSW Schools and Quality Teaching Authority'). This authority would incorporate the present BOSTES functions

but have a coherent and fresh mandate. It would focus more explicitly than is presently possible on educational standards for NSW schools. This body would require clear and modern governance and operational capacity. It would comprise a small governing body with an independent chair, and a representative Quality Schools Council supported by a Secretariat.

CECNSW sees this review as the perfect opportunity to establish a 21st century model of governance enabling highest quality schooling and teaching for all students in NSW into the future.

Schooling Regulatory Context and Catholic Sector Engagement

1. Schooling Regulatory Context and Catholic Sector Engagement

- 1.1. On behalf of the Catholic bishops of NSW/ACT, the CECNSW is the agent and advocate for 587 NSW Catholic Schools which enrol 255,311 students and employ 20,000 teachers with 8,000 support staff. In 2016 Catholic schools constitute a significant proportion of the schooling enterprise in NSW and are major contributors to its development. One in five students in NSW attends a Catholic school. Their interests and progress intersect daily with the work of the current BOSTES and its office. They have a vested interest in its future.
- 1.2. The CECNSW acknowledges that all schooling is a partnership between parents, schools, school authorities and the State and Commonwealth Governments. Catholic schools and school authorities give special recognition to the prior right of parents to choose the education which best suits their child. In turn, it is expected that Commonwealth and State governments will support parents' right to choose and ensure that their choice is not otherwise prejudiced or compromised by unreasonable government regulation or actions.
- 1.3. Catholic school communities in NSW have long played a co-operative and constructive role in the development and regulation of schooling. They will continue to do so. NSW Catholic schools have a direct and intimate relationship with the NSW government which dates back at least to 1912 when Catholic schools became subject to a form of state registration for the first time under the *Bursary Endowment Act*.
- 1.4. More than a century of direct engagement by Catholic schools with the statutory regulation of schooling in NSW provides the context for CECNSW now advising on how the evolution of the governance structures for NSW schools might best be progressed further. As in previous decades when new Acts of Parliament and new educational challenges have emerged, CECNSW seeks to play its part in addressing the contemporary and future needs of the NSW community and its school children.

Negotiating NSW and Australian Futures

2. Negotiating NSW and Australian futures

- 2.1 Now, more than ever before, NSW Catholic schools are aware that they are part of a professional community which is increasingly national. Moreover, they have been involved in all the major developments of recent years which are leading to an increased appreciation of Australian schooling as a single national entity. Schools and school authorities, including CECNSW, are well aware that curriculum, assessment and teaching standards are progressively and appropriately national.
- 2.2 In recent years NSW Catholic schools and school authorities have been engaged to varying extents with ACARA (*Australian Curriculum, Assessment and Reporting Authority*, for curriculum and NAPLAN), AITSL (*Australian Institute for Teaching and School Leadership*, for national standards for teachers and principals) and with ESA (*Education Services Australia*, for curriculum resources and online NAPLAN) In addition, they have been obliged to deal with new national regulatory bodies in ACECQA (*Australian Children's Education and Care Quality Authority*, for early childhood) and ASQA (*Australian Skills Quality Authority*, for VET). Above all, NSW Catholic schools are aware that the conditions and associated accountability for their Commonwealth and State grants are tied to the *Australian Education Act 2013* and its school resourcing model.
- 2.3 In looking to the future of their state authority responsible for curriculum, assessment and teacher standards (BOSTES), Catholic schools are inevitably viewing it and its operations in the light of the new bodies with comparable responsibilities for all Australian schools.

Together, the functions and responsibilities of state and national bodies need to be clarified and harmonised, whereas at present they are often seen to be confused and overlapping.

- 2.4 In summary, the BOSTES provides for each Catholic school its licence to operate and for each teacher (from 2018) a licence to teach in a NSW Catholic school. In addition to of these fundamental regulatory functions the BOSTES determines the majority of the curriculum for Catholic schools and all its external assessment (NAPLAN, HSC). The processes leading to curriculum and assessment, school registration and teacher accreditation, engage Catholic school authorities and teachers at every stage. From the schools' standpoint, the BOSTES sits between the developing national and state requirements for schools. Any review of the structure and functions of BOSTES will be expected to clarify and specifically articulate the increasingly complementary roles of state and national organisations and their collective expectations of schools.

3. Purposes of Schooling

Community Aims

- 3.1 Schooling in NSW is based on a range of principles, purposes and practices which are codified in both state and national instruments, particularly the *NSW Education Act 1990*, the *National Goals for Australian Schools (2008)* and the *Australian Education Act 2013*. Together, these instruments highlight the principles that need to be ensured in any future reconfiguration of BOSTES and its statutory responsibilities for NSW schools.
- 3.2 These principles are reflected in the current *NSW Education Act* (Section 4) and include certain objects which should not be lost (section 6):
- *encouraging innovation and diversity within and among schools,*
 - *development of a teaching staff that is skilled, dedicated and professional,*
 - *provision of opportunities for parents to participate in the education of their children,*
 - *provision of an education for children that promotes family and community values.*
 - *to provide a context within which schools also have the opportunity to foster the physical and spiritual development of students.*
- 3.3 They are also reinforced by the *Melbourne Declaration on Educational Goals for Young Australians (2008)* where it is recognised that schools '*play a vital role in promoting the intellectual, physical, social, emotional, moral, spiritual and aesthetic development and wellbeing of young Australians*' and, consequently, aim to achieve:
- Goal 1: Australian schooling promotes equity and excellence; and
 - Goal 2: All young Australians become successful learners; confident and creative individuals, and active and informed citizens
- 3.4 More recently, the objects of the *Australian Education Act 2013* require all school authorities to address five reform directions which align to the BOSTES functions of curriculum and assessment, examinations and credentials, quality teaching, and school registration and accreditation:
- *Quality teaching* - All teachers will have the skills and support they require to improve their performance over time and to deliver teaching of a high quality to all of their school students.
 - *Quality learning* - Australian schooling will provide a high quality educational experience with an environment and curriculum that supports all school students to reach their full potential.
 - *Empowered school leadership* - 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.
 - *Transparency and accountability* - Support will be provided to schools to find ways to improve continuously by (a) analysing and applying data on the educational outcomes of school students, and (b) making schools more accountable to the community in relation to their performance and the performance of their school students.
 - *Meeting student need* - Australian schooling will place the highest priority on (a) identifying and addressing the needs of school students, including barriers to learning and well-being, and (b) providing additional support to school students who require it.

Purposes of Schooling

3.5 NSW Catholic school authorities have actively engaged in the NSW reform initiative *Great Teaching, Inspired Learning: A Blueprint for Action*. The GTIL has focused attention and given direction to improving the standards of teaching and leadership in NSW schools as a means of improving student learning outcomes. In addition, the NSW Premier's Priorities (14 September 2015) challenge schools to deliver better learning outcomes for all students by increasing the proportion of NSW students in the top two NAPLAN bands by 8% (30% for ATSI students) by 2020.

Catholic Aims

3.6 CECNSW, on behalf of the Catholic community of schools, approaches this review with a clear understanding of the needs of students and teachers together with the proper goals for schooling. These Catholic goals and norms for schooling are articulated in key Church documents from *The Catholic School* (1977) to *Educating Today and Tomorrow: A Renewing Passion* (2014).

3.7 Catholic schooling is a universal enterprise inspired by a common vision and mandate embodied in the person and teaching of Jesus Christ. The Church documents on schooling inform and shape the education of 55 million students in Catholic schools throughout the world, of which NSW is a very small but fully integrated part.

3.8 NSW Catholic schools are necessarily national and international in outlook. They see themselves as part of a wider connected world in which education is:

- focused on the integral education of the human person which synthesises religious faith, culture and life

- open to all, and attentive to the demands of justice, especially regarding the poor and weakest in society
- a long-term project that cannot simply be measured by immediate efficiency.

3.9 Given these imperatives for Catholic schooling, CECNSW approaches this present review of BOSTES with the express aim of ensuring that for all NSW students:

- schooling provides a high quality and equitable education;
- each child has the opportunity for holistic development - physical, emotional, intellectual, social and spiritual;
- families are supported and their engagement encouraged;
- schooling enables all children to be productive learners and make a successful transition from school to work or further study; and
- close attention is given to reducing educational disadvantage particularly for Aboriginal students with a disability.

4. Responding to the BOSTES Review Questions

4.1 While recognising the wider context for this review as set out in the Terms of Reference, the core of this submission is centred on the key questions from the review panel. Set out in this section is critical reflection and feedback on the Review's four high-level questions, namely:

- a. *Have the opportunities of the 2013 amalgamation been fully realised?*
- b. *Are roles and responsibilities clear and appropriate?*
- c. *Are processes and practices as effective and efficient as possible?*
- d. *Are effective governance arrangements in place?*

4.2 NSW Catholic schools and school authorities, including CECNSW, dealt with the Board of Studies between 1990 and 2013 and with the Institute of Teachers between 2004 and 2013. More particularly, that experience was predominantly with the Board of Studies which was responsible for curriculum and assessment, including the HSC, but also school registration. Since the requirements of the Institute of Teachers were related to accreditation of new teachers only from 2004, schools had significantly less involvement with the Institute and its operations. Now that all teachers are to be accredited within three years, that situation is changing rapidly. Realistically, however, it is only since 2014 that schools have been dealing with BOSTES and many of them have experienced little change except the name. Consequently, most of the informed input to this submission is based on long and deep experience of the Board of Studies in particular.

4.3 Even so, the CECNSW has undertaken an intense systematic effort to secure input and informed views on the four key questions driving this review. A brief survey was conducted of key individuals who have worked most closely with the BOS/BOSTES on behalf of Catholic schools. In addition, interviews were conducted with present and past members of the BOS/BOSTES governing boards, as well as of the Quality Teaching Council of the former Institute and the current BOSTES, and Catholic sector members of BOS/BOSTES committees covering a range of areas (registration, primary education, special education, Aboriginal education, data and research, VET).

4.4 Further, advice was sought and obtained from all Catholic education/school offices in NSW which are School Registration systems and Teacher Accreditation Authorities and have personnel working intimately with the BOSTES in those areas. Also contributing was the Catholic Secondary Schools Association (CSSA). In other words, this succinct submission is the product of considerable and considered input from individuals with extensive experience of the Board of Studies (BOS)/Institute of Teachers (IOT) and BOSTES processes, structures and personnel.

Responding to the BOSTES Review Questions

a. Have the opportunities of the 2013 amalgamation been fully realised?

4.5 CECNSW was one of the strong advocates for the 2013 NSW Government policy decision to amalgamate the roles and functions of the then existing NSW Board of Studies and NSW Institute of Teachers. It continues to support the amalgamation on the following grounds:

- The improved co-ordination of curriculum and assessment in a schooling enterprise indivisible from the role of teachers and teaching.
- Building on the credibility and trust in the previous Board of Studies as an independent statutory authority and its expert staff.

4.6 Further, CECNSW has argued in its submission to the Australian Government's *Review of the Australian Curriculum* (March 2014) the benefits of aligning school curriculum and teacher development goals and processes. Indeed, CECNSW recommended that learnings from the NSW Government's action in 2013 should be considered in a national Education Acts harmonisation project. This would ensure school effectiveness reform is driven by a focus on curriculum change, teacher practice and school leadership collectively. The inter-relationship between curriculum, teaching, and assessment is important and BOSTES could take a larger leadership role in this.

4.7 While strongly supporting the fusion of the previous two statutory bodies over-sighting NSW schooling, CECNSW also believes that the potential of this amalgamation has not yet been fully realised. Apart from the inevitable stresses on the timetable and on consultation when the amalgamation was occurring in 2013, there are certain inhibiting structural and operational constraints which still need addressing:

- Streamlined and improved compliance management efficiencies in school and teacher registration and accreditation processes
- Better integration of quality teacher practices and quality curriculum development
- Encouraging a transition from compliance to a more service-oriented model
- An improved 'one-stop-shop' structure and service model
- Natural inclusion, as part of its remit, of VET delivered in schools and early childhood education.

4.8 One aspect of the unmet goals of integrated NSW School Governance is the aim of achieving competitive neutrality between the three sectors of school provision (Government, Catholic, Independent). 'Competitive neutrality', as set out in the *Competition Principles Agreement* (as amended April 2007) establishes that '*Government businesses should not enjoy any net competitive advantage simply as a result of their public sector ownership*' noting the limited application to not-for-profit activity.

4.9 Consequently, CECNSW believes the next steps in the realisation of the potential of the amalgamated BOSTES must include the final transfer to a fully empowered and refocused BOSTES of all legacy regulatory roles currently undertaken by the Department of Education (DoE).

4.10 The regulatory roles of the DoE which now need to be transferred to a fully focused BOSTES are (1) Early Childhood Education and Care and Out of School Hours Care, (2) Cross-sector data collection and analysis relating to school and teacher performance, (3) Home-school liaison responses to any failure of children of compulsory school-age 6-17 years to attend school.

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Early Childhood Education and Care and Out of School Hours Care

4.11 BOSTES currently has the function to accredit Early Childhood teachers, while the DoE regulates early childhood and out of school hours care service provision in accordance with the requirements of the *Education and Care Services National Law Act (2010)* and *Regulations (2011)*. The principle of competitive neutrality and common interest would support the movement of the regulation from the body governing one sector (DoE) to a body representing all three sectors of schooling, while acknowledging the large part of early childhood education not associated with a particular school sector. The principles of efficiency and equity would support the location of service regulation and teacher accreditation with the one body.

Cross sector data collection and analysis relating to school and teacher performance

4.12 The BOSTES possesses an enormous amount of school operational data over many years but especially student performance data for all schools (NAPLAN, HSC). However, despite its newly established data and research committee, it still has limited capacity to analyse and compare data across levels of schooling and the whole of NSW. By contrast, excellent work has been produced by the NSW *Centre for Education Statistics and Evaluation (CESE)*, while all schools use the *School Measurement and Reporting Toolkit (SMART)* developed by DoE. Both are currently located in the Department but the K-12 data and functions related to CESE and SMART now need to be moved to the Authority for all schools. This would help ensure independence and equal access by all NSW schools and sectors to student and school data for the purposes of

analysis, and research and school improvement. It would also bring a new level of analytical power to various functions of the BOSTES. Moreover, it would provide a valuable basis for developing the BOSTES as an informed thought leader on NSW education.

Responses to any failure of children of compulsory school-age 6-17 years to attend school

4.13 All three sectors have a legal requirement under the NSW Education Act to pursue student absenteeism and families whose children have 'problematic' school attendance patterns. Such families typically not only change schools but also move between sectors. However, the related school-home liaison service to respond to such situations is confined to government schools whereas it is critical for all three sectors. It should be located with the authority which has a statutory responsibility for all three sectors. The management of linked legal actions should also be similarly managed.

4.14 Another increasingly problematic regulatory conflict/overlap which needs to be addressed concerns the regulation of VET courses undertaken by candidates for the HSC but regulated by the *Australian Skills Quality Authority (ASQA)* according to national (not State) criteria. It is in the best interest of students and schools to have simpler and less-onerous directions regarding their compliance for both the HSC and ASQA in offering VET subjects. This would be best accommodated by the BOSTES negotiating a delegated authority from ASQA for VET courses in NSW schools. This may require some relevant harmonisation of Commonwealth legislative amendment.

4.15 One key difference between the former BOS/IOT and the BOSTES was the addition of

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'Educational Standards' in the title and functions. This addition has been taken to mean explicit attention to standards in terms of curriculum, assessment, teacher accreditation and school registration. To date, however, the CECNSW judgment is that this particular key part of the BOSTES remit is underdeveloped. There needs to be more detailed attention to defining and highlighting standards. Further, there is scope for moving beyond the necessary requirements of compliance to incorporate advice around expectations and judgments about standards of teaching and learning with the aim of supporting schools in the delivery of effective, quality education.

- 4.16 CECNSW acknowledges that such a development needs to be attentive to the matter of compliance burden. In this context both the implementation and oversight of standards must acknowledge the principle of subsidiarity. That is, the competent State authority should set the relevant standards but each recognised provider should determine the strategies and process for the realisation of the standards.

b. Are roles and responsibilities clear and appropriate?

- 4.17 The roles and responsibilities of the BOSTES are currently spread over three separate Acts of the NSW Parliament, namely, the *BOSTES Act (2013)*, the *Education Act (1990)* and the *Teacher Accreditation Act (2004)*. This situation reflects the complexity and untidiness of an organisational amalgamation in 2013 but does need to be addressed. At the very least, the BOSTES functions need to be defined in completely self-contained form in one Act, logically the *BOSTES Act (2013)*. The streamlining opportunities created in 2013 by the repeal of the *Institute of Teachers Act (2004)* need to be fully realised.

Committee structures and effectiveness

- 4.18 With respect to BOSTES Committee structure and effectiveness, CECNSW advises that the representative and consultative opportunities of the seven Standing Committees are acknowledged. However, the current Board committees appear to struggle in realising their potential for strategic policy advice. This occurs where the terms of reference or mandate are unclear or overlap with responsibilities vested in the current Quality Teaching Council (QTC). The resultant lack of clarity obscures the distinctive contributions of the individual committees and discourages some of its members. The exception is the Registration and Accreditation Committee, which was well-established under the Board of Studies and acts under clear delegation.

- 4.19 Serious thought should also be given to the rationale and structure of any committee, above all whether it is required or not. Not all committees need to be of the same size and structure. In some cases, a more effective and efficient approach may be to have working parties convened for specific purposes which are then dissolved on completion. This model is more flexible and responsive than a permanent committee structure.

Curriculum development K-12

- 4.20 With respect to Curriculum development K-12, CECNSW advises that overall, the syllabus development process is respected and regarded as a robust and collaborative model. Stakeholders feel ownership over both the process and product. However, greater clarity around roles and responsibilities is sought in relation to:

- the potential of the primary curriculum which has not been fully realised when two-thirds of all schools in NSW are primary schools. There

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is a common view that the Primary years should receive more structured and regular attention from the K-12 Board which is only consistent with research demonstrating that interventions in performance gaps are most successful when performed during the Primary stages

- maintaining the scope and currency of assessment samples which are valued and will benefit from continued improvement. For example, assessment samples should provide equity and access for all students, including students with a disability and especially for Years 7-10 Life Skills courses
- improving curriculum and assessment by promoting opportunities for alternate methods such as cross-discipline assessment
- the need to review requirements for VET courses in Stage 6, including the demand for an examination in competency based courses, limits on the number of 2U VET courses by a given student, industry trained teachers requiring dual accreditation, recognition of related VET credentials and changes in training packages, noting the need for harmonisation with ASQA requirements.

Setting and implementing Teaching Standards

- 4.21 With respect to setting and implementing Teaching Standards and Teacher Accreditation, CECNSW advises that it has consistently supported the policy initiatives of *Great Teachers, Inspired Learning* (GTIL). These have focussed initially (2014-2016) on defining a standard for entry to teacher education courses in NSW and on the nature and extent of the practicum in teacher education courses. Further, the role of quality teaching in improved student outcomes is recognised and appreciated. However, it is considered that:

- there are significant technical, operational and regulatory opportunities for streamlining the current accreditation process across all career stages
- there is scope for improved communication between BOSTES and Teacher Accreditation Authorities, including training, support, wider consultation and earlier notification of new processes
- the function of the Moderating and Consistency Committee is important in ensuring cross-sectoral standards and should be maintained
- the regulatory role of BOSTES in pre-service teacher education could be better defined and resourced to ensure adequacy of initial teacher education courses and rigorous practicums
- the current quarantine of the annual teacher accreditation fees needs to be maintained.

Over-sighting School Registration

- 4.22 With respect to over-sighting School Registration and Accreditation, CECNSW advises that the current registration and review system is generally both well-received and supported. A compelling argument for change around the current arrangements of roles and responsibilities would be required before the Commission could agree to such change.

Managing school credentials

- 4.23 With respect to managing school credentials (ROSA, HSC and related VET credentials), CECNSW advises that the management of the HSC is acknowledged and respected as robust and effective. It supports ongoing BOSTES management of NAPLAN, eventually to NAPLAN Online, but it should be additionally resourced to manage SMART and associated operations for all NSW schools.

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c. Are processes and practices as effective and efficient as possible?

Improving efficiency of processes

4.24 While fully supporting BOSTES and its comprehensive functions CECNSW is of the clear view that BOSTES processes and practices can be made more effective and efficient for the benefit of NSW schools, teachers and the children they serve. To date the realisation of the aims of the amalgamation of BOS and the Institute of Teachers have been frustrated by:

- the frequent duplication of advice as between the 'Board' and the QTC
- conflation of Board of Governance functions with BOSTES consultative processes
- lack of clarity as to the remit and role of BOSTES Committees.

4.25 With respect to BOSTES management of curriculum, teacher accreditation and school registration processes, there is concern that they have become unduly onerous, overly-detailed and too time consuming for professional staff. This results in drawing teachers away from classroom practice. There probably needs to be a comprehensive management review of processes and administrative requirements, including additional requirements of school authorities, leading to more streamlined and efficient procedures.

4.26 Particular concern exists about the capacity of the BOSTES, previously Institute of Teachers, processes to cope with the registration of pre-2004 teachers which are the large majority of teachers in most schools, especially Catholic schools. Backlogs are already an issue with even the current load.

4.27 While the requirement (since 2014) for five yearly reviews of teacher accreditation authorities is supported, there is concern about the inefficiencies emerging from two distinct processes currently managed through one entity. That is the separate School Registration Authority and Teacher Accreditation Authority BOSTES review processes. The Commission advocates a single review process that is better aligned and better integrated.

Resources and staffing

4.28 A matter directly related to the effectiveness and efficiency of BOSTES (and any successor organisation) is the matter of its resourcing and staffing. With respect to resourcing, BOSTES is partly Government funded and partly self-funded through NAPLAN cost recovery (applied to non-Government schools only) and Teacher Accreditation fees applied to all accredited NSW teachers regardless of sector.

4.29 CECNSW believes that BOSTES (and any successor body) should be fully Government funded in respect of all functions relating to: curriculum, assessment, credentialing, national testing programs and school registration.

4.30 It will also require flexibility to allow specialist staff to be engaged for specific projects, including the capacity to facilitate secondments from all three sectors. Appropriate resourcing also needs to ensure provision for consultation with, and service to, rural and remote education providers. For example, video conferencing would improve accessibility to consultation meetings.

Teacher Accreditation fees

4.31 Consistent with practices across Professional Registration bodies (for example for nurses, lawyers, accountants), CECNSW supports the

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continuation of the principle of a user-pays approach to Teacher Accreditation and the management of these fees by BOSTES for the purposes of teacher accreditation and professional development related to ongoing accreditation.

4.32 The management of Teacher Accreditation fees requires:

- transparency and the confidence of the profession
- the current quarantine of the annual teacher accreditation fees be maintained for the purposes of 'the accreditation of teachers under that Act and in monitoring, maintaining and developing teacher quality' as per Section 15 (3) of the BOSTES Act. This will be a large sum of money by 2018.

d. Are effective Governance arrangements in place?

4.33 CECNSW believes that, consistent with the issues and advice identified above, there is an unresolved organisational tension at the heart of the amalgamated BOSTES. In particular, there are three matters requiring attention:

- i. the size and composition of the governing board itself
- ii. the relationship between the Board and the QTC
- iii. the fact of the Chair of the governing Board and the CEO of the BOSTES being one and the same position.

4.34 These realities reflect the fact that the governance arrangements for the BOSTES were inherited with little modification from their constituent bodies, the BOS and the IOT.

Also inherited has been the separate issue of confusing, sometimes misleading, nomenclature which should also be given attention. At present 'BOSTES' can mean three things and they are used interchangeably by schools and others: (1) the statutory authority; (2) its governing board; (3) its office which carries out its diverse functions and business. The nomenclature should make clearer the distinctions between these three entities.

4.35 With a statutory 23 members, and with several senior staff in attendance, the BOSTES assembly is regularly larger (over 30) than most modern primary classes. Accordingly, fine and functional as it is, the board table is larger than any other in the experience of members. The large and strictly representative governing board of the BOS reflected the demands and expectations of the later 1980s. When established in 2013, the BOSTES essentially carried that on, with the addition of an expert member from the IOT board. For the period from 2017 onwards, however, the feasibility and effectiveness of a governing board of that size has to be questioned and revisited.

4.36 A frequently raised issue in CECNSW consultations on this submission has been the ambiguous and sometimes overlapping responsibilities of the BOSTES and the QTC. Indeed, some were not clear that they were not still completely separate bodies. There consequently needs to be a clear line between the responsibilities and accountabilities of the governing board and the QTC.

4.37 Under the previous BOS, but not the IOT, and now under the BOSTES, the positions of chair of the governing board/QTC and chief executive officer of the authority are fused into a single position. While the present and previous presidents of

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BOS have managed this situation professionally and without undue conflict, it is not a desirable or preferable situation in a modern authority with the wide statutory responsibilities of the BOSTES. Attention should be given to creating the position of an independent part-time chair of the BOSTES with the CEO remaining a full-time position.

4.38 Given the range of governance issues arising from the amalgamated BOSTES noted here, CECNSW believes that it is time to proceed to the next stage in the evolution of school governance in NSW. As outlined above, the NSW Catholic school sector has travelled this journey with successive NSW Governments since 1912. It now looks forward to the outcome of this review which will set in place the structures and principles for the period into the 2020s and beyond.

4.39 To better address both the existing functions of BOSTES and those now proposed by CECNSW with some responsibilities to be transferred from DoE to BOSTES, CECNSW recommends the replacement of the current BOSTES structure with a NSW Schools and Quality Teaching Authority. Further, to realise the potential of the 2013 amalgamation of BOSTES and the Institute of Teachers it is recommended that the *Education Act 1990*, the *BOSTES Act 2013* and the *Teacher Accreditation Act 2004* need to be folded into a single Act.

4.40 In consequence CECNSW proposes (1) the enactment of a *NSW Education and Quality Teaching Act* and (2) the creation of a NSW Schools and Quality Teaching Authority which would encompass the following elements:

- the role of the Minister;
- a Board of Governance;
- a representative Quality Schools Council; and
- a supporting secretariat headed by a CEO

4.41 As advised above, the existing *NSW Education Act 1990*, *NSW Teacher Accreditation Act 2004* and *NSW BOSTES Act 2013* should be replaced by a single *NSW Education and Quality Teaching Act*. This would result in NSW schooling being regulated by two key pieces of legislation:

- *NSW Education and Quality Teaching Act*, with application to all NSW Schools and Home Schooling.
- *NSW Teaching Services Act 1980*, with application to teachers employed in Government schools only.

An outline of the proposed Table of Provisions for a NSW Education and Quality Teaching Act is provided as an Appendix to this submission.

4.42 As indicated, the Authority at the centre of this new Act could take the following form:

- a) *Board of Governance* for the Authority - up to 7 members appointed by the minister, with an independent chair, and nominations from the three sectors, with responsibility for:
 - overseeing the functions, finances, strategic direction and operations of the Authority
 - monitoring the management and performance of the Authority
 - governing the affairs of the Authority in accordance with the directions of the Minister
 - achieving the objectives and discharging the functions of the Authority
- b) *Quality Schools Council* – a representative body inclusive of elected teachers that will integrate the existing representative roles of both the QTC and the current Board, be chaired by the CEO and be responsible for advising the Governing Board on:
 - the school curriculum for primary and secondary school children

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- National Assessment Program (including NAPLAN)
- the granting of Records of School Achievement, Higher School Certificate and recognised VET credentials
- the approval of initial and continuing teacher education courses and programs
- the accreditation of teachers and the monitoring of the accreditation process across all schools and early childhood education centres
- the development, content and application of professional teaching standards
- the registration and accreditation of schools
- the registration of providers of home schooling
- the approval of providers of courses at schools to overseas students
- reporting on matters relating to the Authority's functions
- any other matters relating to the Authority's functions.

5. Conclusions/Next Steps

- 5.1 CECNSW helps ensure that Catholic schools are appropriately engaged in the full range of the responsibilities which the BOSTES currently possesses: curriculum and assessment, school registration and teacher accreditation, reporting and accountability.
- 5.2 On the basis of its own extensive experience, wide consultations among those best placed to contribute, as well as its own deliberations on the review's terms of reference and key questions, the CECNSW recommends to the review that the best way of ensuring that the quality and coherence of the present wide mandate of the BOSTES can be maintained and extended in the future is through:
- Enactment of a *NSW Education and Quality Teaching Act*
 - Establishment of a NSW Schools and Teaching Authority which would be:
 - a. inclusive of the current functions of BOSTES with certain additions
 - b. governed by a small Board of Directors comprising an independent Chair appointed by the Minister and including nominees of the three school sectors
 - c. headed by a CEO and managed through a secretariat
 - d. fully government funded (except Teacher Accreditation as user pays)
 - e. the location for all legislative regulatory roles
 - f. serviced by a restructured and adequately funded Secretariat under a Chief Executive Officer.
 - A move to a Standards focus for all educational practices in schools by minimising any compliance burden
 - Reviewing, reducing and simplifying all compliance processes impacting on schools.

Education and Quality Teaching Act Outline Table of Provisions

Part 1. Preliminary

Part 2. Objects of Act

Part 3. Functions of the Minister

1. General functions of the Minister

Part 4. The NSW Schools and Quality Teaching Authority

Division 1 - NSW Schools and Quality Teaching Authority

1. Constitution of the NSW Schools and Quality Teaching Authority
2. Objectives, powers and functions of the Authority (including management)
3. Chair of the Authority
4. Functions of the Chair
5. Acting Chair
6. Staff of the Authority
7. Role of the CEO
8. Committees
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Division 2 - Board of Governance for the Authority

1. Role of the Minister
2. Establishment and function of the Schools Board
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Division 3 - Quality Schools Council

1. Establishment and function of the Quality Schools Council

Appendix 1

2. Membership of the Representative Council

Part 5. Inspections

1. Appointment and identification of inspectors
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Part 6. Roll of Teachers

1. Authority to maintain a roll of teachers
2. Electoral list
3. Accreditation list

Part 7. Accreditation of teachers

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Division 2 - Accreditation scheme—general provisions

Division 3 - Mandatory accreditation

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Part 8. The school curriculum

Division 1 - Primary education and curriculum standards

Division 2 - Secondary education and curriculum standards

Division 3 - General

Part 9. Attendance of children at school

Division 1- Responding to non-attendance at any school (home school liaison service and legal actions)

Part 10. Government schools, establishment and management

1. Assistance to government school children with special needs

Part 11. Registration of all schools and home schooling

Division 1 - Application

Division 2 - Registration and school performance standards

Division 3 - Financial assistance to non-government schools and students including students with special needs

Part 11A. Approval to provide courses to overseas students

Part 12. Awards of study

Division 1 - Accreditation of schools

Division 2 - Issuing student credentials (ROSA & HSC) and student performance standards (eg minimum literacy and numeracy standards)

Division 3 - Recognition of VET credentials

Part 13. Oversight of Early Childhood Education and Out of School Hours Care

Division 1 - Accreditation of Early Childhood Education Teachers

Division 2 - Regulation of providers

Part 14: VET Provision for Candidates for the HSC

Division 1- Relationship with ASQA, including Teacher Registrations and Accreditation

Division 2 - Approving RTOs and VET courses as part of HSC provision

Division 3 - Recognition of VET certificates

Part 15. Administrative review of decisions by Tribunal

Part 16. Parents and citizens and kindred associations

Part 17. Miscellaneous

Historical note



Section heading