

There are students whose behaviour presents real challenges to the existing [ACT] school systems as they currently function, and who require significant support to succeed at school. ACT school leaders believe that the proportion of students with complex needs and challenging behaviour is increasing, and this observation appears to be supported by other evidence.

Students reported being affected by a range of disruptive behaviours at school and some mentioned occurrences of physical violence or other potentially dangerous or distressing situations. Students with a disability also reported difficulties with being distracted and negatively affected by some other students. Teachers and school leaders expressed many concerns about some students' psychological and mental health issues, behaviour related to environmental circumstances, and behaviour related to students' disability. They noted instances of violent and destructive behaviour and concerns about their own ability to respond effectively to protect student safety. Stakeholder perceptions were diverse and sometimes competing. For example, while expressing support for the right of every child to attend a mainstream school, some parents/carers feared that their own child's learning was being disrupted and their safety threatened by students with complex needs and challenging behaviour. Teachers said they wanted to make a positive difference for students with complex needs and challenging behaviour; but some expressed uncertainty and real concern about lacking necessary skills and resources to do this, while others expressed enthusiasm for the challenge.

Every group of students faces a different set of challenges; and the solutions therefore must be similarly varied. But in every case, the question is: How can we best enable participation and learning progress for this student? Equity and opportunity for every individual within a framework of strong social cohesion needs to be the goal.

Considerations for Genuine Equity and Real Opportunity:

1. Students with disabilities, including autism: How can we best support students in their learning? What are the relative merits of participation in mainstream classrooms, and/or special needs schools? What other options are there? What training or support might teachers need? How can we improve physical access to schools?
2. First Nations Australian students: How can we support these students to maintain and understand their heritage; language; and culture? How can we support their learning?
3. Economic disadvantage and other hardship: What initiatives work best to support and maintain engagement in the school system?
4. Ethnic minorities and migrants: How can we support students' transition into Australian society whilst valuing their cultural heritage?
5. Gifted and talented students: How can we provide these students with the extension that they need? Streaming in classes/schools? Selective government high schools? Something else?
6. Religious beliefs: How can we help encourage understanding of others' religious beliefs? Should a social sciences curriculum include units on comparative religion as an integral feature of general education?
7. Education of Girls: How to continue and extend greater uptake of STEM subjects?
8. Education of Boys: How to develop a wider range of positive male role models for all students, but particularly boys, including addressing the shortage of male teachers?
9. LGBTQI+ and gender identification: How can we improve support, and provide access to age-appropriate information?
10. Challenging behaviour issues: What suite of mainstream school and educational alternatives need to be provided to enable students to continue to engage with learning?



5.3 // Reducing Bullying and Violence: Stronger Leadership + Positive School Cultures

5.3.1 Reducing Bullying and Violence

Schools experience the same challenges as other parts of society in relation to bullying and violence. Measures to eliminate violence outside school environments may contribute to the elimination of bullying and violence within schools. This requires an ongoing public commitment to changes in attitudes and beliefs associated with violence.¹⁴⁸

Cyber-bullying, bullying and violence are a growing concern in ACT schools, as they are in wider society. The root causes of bullying and violence clearly extend beyond the school yard; and the attitudes that give rise to these behaviours are learned. Attitudinal change takes time but is achievable. Successful public health campaigns to reduce smoking; and for the wearing of seat belts, are examples.

System-level policies, school-level interventions and community engagement are all essential components of any concerted effort to reduce the incidence of anti-social behaviour in our schools. In 2019, the ACT Standing Committee on Education, Employment and Youth Affairs completed a report: *Inquiry into the management and minimisation of bullying and violence in ACT schools*. In addition to commenting on the societal underpinnings of bullying and violence, the Inquiry also noted inconsistencies between schools in how they respond to incidents of bullying and violence, due to school

principals exercising “considerable autonomy”.¹⁴⁹

The ACT Council of Social Services (ACTCOSS) is concerned about this approach, and they are “not clear why each school requires individual procedures, and how this is a necessary function of school autonomy.” The Council has recommended that the Directorate:

*Implement consistent approaches to policy and procedure on violence and bullying across all ACT schools. This will create consistent expectations of student safety and will benefit students and teachers who move between schools in the ACT.*¹⁵⁰

The Inquiry made 23 Recommendations regarding the management of these important issues, covering not only bullying between students, but also occupational violence (against staff).

¹⁴⁸ Standing Committee on Education, Employment and Youth Affairs, Report 6, September 2019: *Inquiry into the management and minimisation of bullying and violence in ACT schools*; Finding 1, p x

¹⁴⁹ Standing Committee on Education, Employment and Youth Affairs, Report 6, September 2019: *Inquiry into the management and minimisation of bullying and violence in ACT schools*; p x

¹⁵⁰ ACTCOSS, May 2019 “Submission to Standing Committee on Education, Employment and Youth Affairs - Inquiry into the management and minimisation of bullying and violence in ACT schools”; p 7

Considerations for Bullying and Violence:

1. That a strong ACT Education System-wide suite of policies be developed to address bullying and violence, including cyberbullying, in the government school system.
2. That wide-spread consultation be ongoing with every stakeholder group and association with regard to continuous improvement of measures developed.
3. That the recommendations of the ACT Standing Committee on Education, Employment and Youth Affairs Inquiry into the management and minimisation of bullying and violence in ACT schools (2019) be reviewed as to status and implemented.

5.3.2 Leadership and Culture

High-quality school leadership is the practice of positively influencing individual and collective teaching expertise in a professional learning culture to secure a strong rate of progress for all learners.¹⁵¹

In addition to expert teaching skills, effective school principals need a comprehensive range of management skills, and the ability to inspire and lead their staff and students. School principals are responsible for implementing system-level interventions designed to limit bullying and violence.

By their actions, school leaders set the standards, tone and expectations that together create a school's culture. High quality schools have a strong positive culture that provides a safe environment for

learning and promotes excellence and achievement.

The right policy settings need to be in place to support the development of system-wide high quality school leadership.

Considerations for School Leadership and Culture:

1. Ensure that school principals have the right qualifications for leadership positions through a quality framework administered by the ACT Teacher Quality Institute.
2. Provide ongoing professional development opportunities in the full suite of leadership, governance and management functions to enable school leaders to improve their understanding in required areas, and to keep their knowledge current.
3. Articulate a clear framework of performance expectations linked to areas such as student outcomes; academic performance and staff development; financial management; accountability to school board; and community engagement.
4. Directorate to support school leaders in creating a cohesive school culture that emphasises similarities within the group, whilst celebrating and supporting diversity.

¹⁵¹ Australian Institute for Teaching and School Leadership: Leading for impact: Australian guidelines for school leadership development. n.d. Available at: aitsl.edu.au

5.4 // More Support for Schools though Better Funding and Governance: More Effective Funding + Better Governance

5.4.1 Governance and School Autonomy

There has been a strong political consensus that greater school autonomy and local decision making improves public education. There is little evidence for this consensus. Instead, evidence indicates greater autonomy has increased inequalities across education systems.¹⁵²

The existing model of school autonomy has gradually devolved more and more responsibility to individual schools. Instead of a strong system of government schools, we have a collection of schools responsible for staffing; managing their own assets and maintenance schedules; performing their own complex analyses of assessment data; formulating policies on bullying and violence; the use of personal mobile devices; technology in the classroom; curriculum; and teaching practice.

Some of these processes and decisions may more usefully be undertaken at a system level. School leaders need the time to focus on their core business: ensuring the best possible education for their students. This would also mean that every government school would be “on the same page” with policy and direction; and more consistency would facilitate movement between schools where needed.

¹⁵² Keddle, A et al, 2020: *School Autonomy Reform and Social Justice in Australian Public Education*, Progress Report 1. Deakin University; Monash University; Curtin University. Available at schoolautonomyandsocialjustice.org

¹⁵³ Woo, Eddie: Australian Local Hero 2018 and high-profile Mathematics teacher, interviewed by ABC News One Plus One posted 21 Aug 2020

Considerations for Governance:

1. Review governance and autonomy structures within the ACT education system to ensure a better balance between system-wide policy and decision making, and school autonomy to enable schools to focus on their core business of Literacy and Numeracy in Primary School; depth of learning in Secondary School; and future pathways in College.
2. Benchmark models being adopted in other states, including *NSW's School Success Model*, which aims to improve support offered to schools so that they can “lift capability”, whilst freeing time for them to focus and learning and teaching.
3. Ensure that existing and new policies are built not just on a foundation of evidence; but on a foundation of relevant and rigorous evidence.
4. Provide centralised professional data analysis of national and international assessments to assist schools to understand and implement findings in a timely fashion.
5. Ensure feedback channels are easily available to all stakeholders so that the Directorate is able to access information on policy and program effectiveness from a range of sources.
6. Revise and/or develop system-level policy to enable consistency across the government school system on a range of issues, including but not limited to:
 - Use of personal electronic devices at school, in and out of class time.
 - Use and extent of use of technology in the classroom to support learning.
 - Management of behaviour issues, including bullying and violence.
 - School enrolment processes and guidelines including priority enrolment area management.
 - The role of school boards in governance.
 - Management of school infrastructure and maintenance.
7. Investigate the effectiveness of a separate oversight body and reporting structure for non-government schools (Independent and Catholic schools), in order to clarify and streamline governance and decision-making structures for both government and non-government Education sectors.

Rigorous research and evidence need to be the foundations of governance and funding settings to direct the course for ACT Education.¹⁵³

We've got to make decisions. We've got to change policies and structures to enable the work that matters in schools to flourish.

Eddie Woo, Australian Local Hero 2018 Highly acclaimed Mathematics Teacher

5.4.2 Funding to Where It's Needed

Taxpayers are now fully aware of the billions upon billions of dollars spent on schooling, but it is the human cost that should occupy our minds... For thousands of young people the dismal reality is that they lack the essential knowledge and skills that enable individuals to thrive.¹⁵⁴

The ACT per capita spending on Education is second highest in Australia; but Literacy and Numeracy outcomes are still declining.

There is little evidence of policy and program evaluation¹⁵⁵ in the ACT Education Directorate Annual Report 2019-2020, or elsewhere. Evidence from many other jurisdictions points to the fact that funding of widely implemented strategies does not necessarily mean that these strategies are effective.

Funding needs to be invested in what works.

¹⁵⁴ Mueller, F., 27 Jan 2020: 'Human cost of failing the education test', *The Canberra Times*

¹⁵⁵ The ACT Education Directorate Annual Report 2019-20 contains numerous examples of policies that have been announced and implemented, with no publicly available evaluation. For example, Early Years Literacy Initiative; Future of Education Strategy; Positive Behaviour for Learning; Learning Culture (Empowered Learning Professionals Plan 2018-21); Affiliated Schools Program

¹⁵⁶ Fahey, G. Dec 2020: Dollars and Sense: Time for smart reform of Australian school funding, *Centre for Independent Studies*

Considerations for Funding:

1. Maintain school funding, whilst making it work more effectively through smart reform in investment.¹⁵⁶ This means a thorough review of where education funding goes; and rigorous evaluation of value-for-money in programs to generate either improved learning outcomes directly; or indirectly by way of creating support to achieve those outcomes.
2. The biggest influence on learning outcomes is teacher quality. Funding initiatives need to be directed to the entire system of teacher training, professional development and career pathways to attract and retain high quality teachers.
3. Approaches that are widely implemented elsewhere, or popular, should not be adopted without careful review of their evidence base and actual success in improving learning. For example, money invested in teacher quality improvement is much more effective than small changes in class size.
4. Regular measurement and review processes should be built into every new initiative, program, study, or policy to make evaluation of their success straightforward. Every new initiative should have stated outcomes that can be measured quantitatively or qualitatively.
5. Careful consideration should be given to how technology in classrooms can be fine-tuned according to subject need and learning outcomes to ensure that investment is supporting learning.



5.4.3 Evidence-based Decisions and Practice

Governments are responsible for making policy decisions to improve the quality of life for individuals and the population. Using a scientific approach to investigate all available evidence can lead to policy decisions that are more effective in achieving desired outcomes as decisions are based on accurate and meaningful information.¹⁵⁷

*Australian Bureau of Statistics
A guide for using statistics for
evidence-based policy, 2010.*

The recognition of the importance of evidence-based decision making and practice is not new. It has been the underpinning of modern healthcare for decades. The Australian Bureau of Statistics advocated such practice more than ten years ago.

Although there is general agreement about the need for the approach in Education, the extent to which genuine, relevant, and rigorous evidence is used in reality is variable. For example, case studies from a few sources does not amount to rigorous evidence on which to base important decisions. Poorly designed research with a small sample does not carry the same weight as a large well-designed research study.

Further, ACT government schools have a patchy record with regard to the use of student performance data to inform decision making. As the ACT Auditor-General commented:

Annual external reviews of ACT public schools have consistently identified shortcomings in ACT public schools' analysis of student performance information and the use of this data to inform specific and tailored educational instruction. Improving

the performance of schools in the targeted use of data needs special attention by the Education Directorate.¹⁵⁸

Considerations for Evidence-Based Practice:

1. Initial teacher education needs to include content in critical thinking, assessment, and evaluation of evidence in the context of classroom teaching and practice.
2. Assessment data from national and international sources needs to be analysed by experts in a timely fashion.
3. Information needs to be distributed to those who use it, when they need it, in useable form.
4. School performance targets should be "set in the context of the performance of schools with statistically similar characteristics."¹⁵⁹
5. Decisions at every level of management, including School Leaders, need to be based on rigorous relevant evidence, and justification for decisions documented.
6. Content of teacher education degrees needs to be based on rigorous evidence and proven approaches.
7. Professional development options need to be in place for the development of assessment and evaluation tools, and in the analysis and interpretation of results.
8. Review and streamline school autonomy structures to better support school leaders in creating strong positive school cultures and enabling teaching and learning excellence.
9. Ensure rigorous timely evaluation of all policies and programs to ensure that funding is directed to what works.
10. Information and records management systems, archives and access need to be reviewed.

5.5 // Fixing Overcrowded Schools + Ageing Infrastructure: Realistic Planning + Better Management

So concerning are the issues with infrastructure management and capacity that in February 2021 the Standing Committee on Education and Community Inclusion resolved to inquire into and report on the management of ACT school infrastructure, on a range of issues, including:

- the management of hazardous substances and materials in schools;
- planning for the ongoing maintenance of school facilities, including the process to identify and address current and future infrastructure needs in schools;
- the management of capacity issues in schools, including the use of temporary facilities for schools running above capacity and the plans for schools running below capacity;
- the adequacy of heating and cooling systems in schools;
- the demand for sporting facilities on school grounds and measures to address this demand;
- classroom design;
- the environmental sustainability of school infrastructure and facilities;
- the adequacy of parking and bike storage facilities;
- accessibility for students and staff with disabilities;
- accessibility of school facilities by local communities;
- any other relevant matters.

One submission to the Inquiry observed that “there is a lack of wholistic planning to manage school capacity across inner north primary and high schools. There remains a real crisis in school capacity across the inner north of the ACT which the Education Directorate is doing little to address in any long-term wholistic manner.”

Another submission was concerned in particular about ageing infrastructure:

*Built in 1969, many classrooms are still original to the school. The classrooms holding home economics are the original classrooms, and thus over 50-years in age. Not only are they insufficient for the modern needs of students, they are inefficient in terms of heating/cooling and other energy use. They provide a safety risk due to their lead paint and have accessibility issues for both staff and students with disabilities and other needs. In addition, they struggle to meet the general needs of students and have limited opportunities to extend their use to vocational learning.*¹⁶⁰

The ACT Council of Parents and Citizens’ Associations has recommended that a centralised property management team be set up, as schools “struggled to keep up with maintenance and enrolment growth”.¹⁶¹

The Inquiry will report by the end of 2021.¹⁶²

¹⁵⁷ ABS, 20 Oct 2010: 1500.0 - “A guide for using statistics for evidence based policy, 2010”

¹⁵⁸ ACT Auditor-General’s Report, 4/2017 (May): *Performance Information in ACT Public Schools*, p 3

¹⁵⁹ 2020: *The School Success Model*, NSW Department of Education; p 2

¹⁶⁰ Mt Stromlo High School P&C, 29 April 2021: Submission; Inquiry into the management of ACT infrastructure; p 2

¹⁶¹ Lansdown, S. Wed 19 May, 2021: ‘Schools don’t make grade on disability.’ *The Canberra Times*; p 11

¹⁶² <https://www.parliament.act.gov.au/parliamentary-business/in-committees/committees/eci/inquiry-into-the-management-of-act-school-infrastructure#tab1696389-2id>

5.5.1 Overcrowded Schools

School capacity is a major issue in the ACT. Full utilisation of school infrastructure is affected by changing demographics; new suburb development; urban infill; priority enrolment policies; and the reputation of the school. All of these factors are either directly or indirectly under the control of the government - and are foreseeable.

Considerations for School Capacity:

1. Longer term demographic forecasting to enable more accurate projections of need.
2. Construction of new schools should be concurrent with suburb development.
3. Over time a stronger more coherent government school system with high quality school leadership, teaching, and student outcomes across the system should reduce capacity pressures on individual schools.
4. The general raising of standards across the government school system would also reduce some of the issues with priority enrolment areas.

5.5.2 Ageing Infrastructure

A report by the ACT Auditor-General in 2019 detailed many issues in government school asset management.¹⁶³ The main issues are: that although there is a framework for management of school infrastructure assets, implementation of that framework is poor or variable at the individual school level due to “poor supporting systems and processes”; software purchased to facilitate asset management had

been populated in only two of 88 (now 89) schools; and consistent budget over-runs with maintenance. There have been recent issues with a number of ageing school buildings still requiring remediation and removal of toxic substances such as lead and asbestos, at significant cost.

Considerations for Ageing Infrastructure:

1. Ageing infrastructure is not only a maintenance issue; it is also an issue as to whether buildings that are decades old are still fit-for-purpose in a modern educational setting.
2. Central management of school infrastructure and maintenance schedules could lead to better overall outcomes across government schools in terms of quality and cost, and less administration for individual schools.
3. The rolling program of building condition assessments by the Education Directorate should be recommenced.
4. The elimination of risk from toxic substances in school buildings (for example, lead paint; asbestos) must be completed in a timely fashion.
5. A detailed schedule for retiring and replacing ageing infrastructure assets should be maintained and followed.
6. The use of transportable buildings needs to be a temporary solution to over-capacity issues. Some ACT government schools have had temporary buildings for over 30 years.
7. Consideration needs to be given to how best to utilise schools that are chronically under-capacity.

¹⁶³ ACT Auditor-General Report No 11 of 2019: *Maintenance of ACT Government School Infrastructure*

6. // Conclusions

Every Australian State and Territory has been part of the general slide in literacy, numeracy and science outcomes that has become a feature of national and international assessments for a decade. The ACT has its own particular difficulties arising out of systemic stagnation, and far from being a star performer, is consistently below other regions of similar socio-economic advantage in outcomes.

These downward trends are not inevitable, and several international examples of dramatic improvement in educational outcomes demonstrate that improvement is achievable.

There are two major reasons why improvement in learning outcomes is so important, if indeed such an aim needs any explanation: firstly, in the national interest, we need a future workforce that is able to rise to the challenges of a technology-driven world.

But secondly, as any parent will tell you, “I just want my child to be happy.” The most potent way we can support children and young people to achieve this universal goal is to provide a challenging, supportive, and effective education system that brings out the best in every child.

A comprehensive independent review of the ACT Education System is needed. Terms of Reference for an independent review into the ACT Education System form Appendix A.



APPENDIX A

TERMS OF REFERENCE

For an Independent Review into the ACT Education System

Chronic underperformance in ACT Literacy, Numeracy and Science outcomes has been revealed by reports from multiple highly regarded research institutions and assessment processes in the ACT; nationally; and internationally.

Purpose: To review the ACT Education System (“the System”); and to make recommendations to ensure that its structures, processes and policies work effectively to support a cohesive government school system that delivers greater equity and opportunity; and stronger learning gains for every student.

The Review will investigate, report and make findings on the operation of all relevant aspects of the System, including but not limited to the effectiveness of:

1. ACT Education System Structures
 - a. Balance between system-level governance and school autonomy
 - b. Funding and how it is allocated
 - c. Equity of access to education
 - d. Management of school culture, including bullying and violence
 - e. Management of school capacity and infrastructure
2. Teacher Education System and Practice
 - a. Teacher training standards, including teacher degree entry requirements
 - b. Course content in teaching degrees
 - c. Evidence base for current trends in teaching practice
 - d. Issues in teacher workforce and recruitment including career paths
 - e. School Leadership and professional development
3. Curriculum
 - a. The extent to which the Australian curriculum is implemented consistently across ACT government schools

The Review will:

- engage in a comprehensive community and stakeholder consultation process.
- have regard to National policy developments and reports.
- have regard to any significant lessons to be drawn from other Australian jurisdictions as well as perspectives from international jurisdictions where educational outcomes have been improved.

Canberra
Liberals

ISSUE: Children's Education and Care Assurance: Facts and Figures
Sector demographics

- As at 30 June 2021 there were 370 approved education and care services in the ACT and 134 approved providers.
- The nominal capacity of the sector is approximately 29,500¹ places for children. This includes;
 - 14,500 places in long day care care
 - 10,500 places in outside of school hours care (OSHC)
 - 3,700 places in Government Preschools
 - 1,300 places in non-government preschools
- These figures refer to the the maximum number of places services are approved to provide.

Service type	Number of services	Number of approved places
Long day care*	167	13957
Gov Preschool	77	3663
Non Gov preschool	18	1280
OSHC/ SAC*	100	10574
FDC	8	
TOTAL**	370	29474

- As of 2016 the number of people working in early childhood was 8,734.
- In August 2021, the ACT Long Service Leave Authority reported that 6302 employees were registered with an education and care service (not including the ACT Government) in the ACT.
- In September 2021, the most recent Early Childhood Education and Care Workforce Census was conducted which will provide an update on this figure.

¹ Numbers of places rounded to the nearest 100.

Assessment and Rating

- The Assessment and Rating process is a critical component for promoting and assisting services in the continuous improvement in the National Quality Standards.
- Of the 370 services, **333 services have a quality rating** against the National Quality Standard, representing **90% of services**.
- From 1 July 2020 – to 30 June 2021 **73 full assessment and rating cycles** were completed.
- An assessment and rating takes approximately 20 weeks and involves a qualitative audit for a service against 40 quality elements, plus a compliance check.
- The ACT is showing a steady improvement across most quality areas, with **77% of services with a quality rating of meeting or above**, in contrast to 75% in 2020.
- As at 30 June 2021, the positioning of services in the ACT was:
 - 2 (1%) services had achieved an Excellent rating.
 - 148 (44%) services had achieved an Exceeding rating,
 - 105 (32%) services had achieved a Meeting rating; and
 - 78 (23%) services had a Working Towards rating

Overall quality rating percentages as per ACECQA's Snapshot data – 2017 – 2021

Year	Significant Improvement Required	Working Towards	Meeting	Exceeding	Excellent rating	Total
2017	3	100 (32%)	69 (22%)	129 (42%)	7 (2.29%)	308
2018	0	86 (26.8%)	86 (26.8%)	145 (45.2%)	4 (1.2%)	321
2019	0	81 (25%)	91 (28%)	154 (46%)	2 (1%)	328
2020	0	81 (25%)	91 (28%)	151 (46%)	2 (1%)	325
2021	0	78 (23%)	105 (32%)	148 (44%)	2 (1%)	333

Cleared as complete and accurate: 22/02/2022

Cleared by: Executive Branch Manager

Contact Officer Name: Sean Moysey

Ext: 72143

Lead Directorate:

Education

Investigations – case overview

Annual summary: Cases received by CECA *			
Serious incidents**	826	Complaints direct to RA	94
Other incidents	351	Complaints notified to RA by approved providers	182
Non-regulatory	63	TOTAL COMPLAINTS	276
TOTAL INCIDENTS	1240		
TOTAL CASES	1516		

* This is a summary of notifications (cases) received by CECA during the reporting period

** 'Serious incidents' is a broad category that can include any incident where medical attention is sought.

Annual summary: Cases closed by CECA *			
	No compliance action	Compliance action	TOTAL
Cases requiring investigation	19	30	49
Cases not requiring investigation	1355	98	1453
TOTAL	1374	128	1502
Cases carried over from last year	5		
Ongoing cases	19		

* This is a measure of cases closed/ finalised in the reporting period

Serious incident by service type (2020-2021)	Number	Percent
Long Day Care	488	32%
Preschool	64	8%
OSHC	262	32%
Family Day Care	8	1%
Out of scope	4	<1%
TOTAL	826	100%

Compliance actions ²	Number
Letter issued	94
Compliance notice issued	15
Caution letter issued	9
Enforceable undertaking issued	5
Prohibition notice issued	3
Condition imposed	2
Compliance direction issued	1
Approval amended	1
Grand Total	130

² Compliance actions may include multiple actions per case, accounting for the difference in compliance action table (130) and case closed by CECA table (128). The latter has been used in the annual report.

Cleared as complete and accurate: 22/02/2022

Cleared by: Executive Branch Manager

Contact Officer Name: Sean Moysey

Ext: 72143

Lead Directorate: Education

Investigations

- From 1 July 2020 to 30 June 2021 the Regulatory Authority assessed 1516 incidents and complaints. The total includes 1240 incidents and 276 complaints. 10 other matters were referred to triage from an audit or assessment visit.
- Of those matters triaged by CECA, 59 investigations commenced during this financial year, due to suspected offences engaging harm, hazard or governance issues.
- Between 1 July 2020 and 30 June 2021, 49 cases that required investigation were closed, of which 5 were investigations carried forward from 2019-20. There were 19 investigations ongoing after 30 June 2021.
- Major areas of investigations for the financial year were: allegations of inappropriate interactions and harm to children, children unaccounted for or missing from services, below minimum staffing levels and inadequate supervision.

Audit and Risk

- In the 2020 – 2021 financial year the Regulatory Authority carried out approximately
 - 143 compliance audits; and
 - 12 risk audits in response to incidents or allegation that required a rapid response.
- Audits are either announced or unannounced and are conducted against the minimum requirements of the National Law.
- Compliance audits were suspended on 23 March 2020 due to the COVID-19 pandemic, audits did not recommence until 22 July 2020.
- A new audit schedule was developed to target higher risk services at this point. Compliance audits with higher risk services were conducted as a priority from end of July 2020 to end of October 2020.

ANNUAL REPORT HEARING BRIEF

- Four compliance actions were undertaken as a direct result of compliance audits between 1 July 2020 to 30 June 2021.

Compliance actions

- 128 compliance actions were taken from investigations and audits combined.

Injury/ trauma/ illness

Type of Injury/Trauma/Illness	Total
Allergic reaction (not anaphylaxis)	7
Asthma	0
Bite wound	7
Broken bone/fracture/dislocation (known or suspected)	141
Burn	3
Convulsion/seizure/unconscious	8
Crush/jam	8
Cut/open wound/bleeding	225
Eye trauma	5
Fever/High Temperature	2
Head injury/concussion	80
Infectious disease (incl. gastrointestinal)	13
Ingestion/inhalation/insertion	17
Respiratory	10
Sprain	14
Tooth/dental injury	19
Venomous bite/sting	2
None of the above	56
TOTAL*	623

Cause of injury/trauma/illness	Total
Animal	3
Child/child interaction	71
Child/staff (incl. student or volunteer) interaction	5
Equipment/furniture/toy	66
Fall/trip	350
Food	8
Infectious disease (Known/suspected)	18
Nails/wire/exposed metal/building material	1
Other	34
Pre-existing medical condition	7
Self inflicted	20

Cleared as complete and accurate: 22/02/2022
 Cleared by: Executive Branch Manager
 Contact Officer Name: Sean Moysey Ext: 72143
 Lead Directorate: Education



ANNUAL REPORT HEARING BRIEF

Unknown	31
TOTAL*	617³

Scholarships

- The ACT Government offers scholarships of up to \$25,000 per applicant to undertake Early Childhood Teaching tertiary degree. Support is offered over four years fulltime or eight years part time. The scholarship also supports employers to backfill staff when students undertake practical training in different settings.
- The Early Childhood Teaching Scholarship rounds are advertised twice a year, in early January and June 2020, and January and August 2021.
- **In 2020, eight applicants were supported** to undertake an Early Childhood Teaching degree as part of the **Early Childhood Degree Scholarship** program.
- During the period of 1 January to **30 June 2021, a further eight applicants** were successful applicants as part of the Early Childhood Degree Scholarship program. There are **currently 29 scholarships in progress**.

Risk Ratings

- In 2019 the ACT Regulatory Authority adopted the NQAITS risk rating system. This system is automatically generated based on a number of elements including quality rating of a service, number of breaches against a service, type of service, time since last visit and compliance actions taken against the service. The data is collated from NQAITS which generates a risk score, which is updated on a fortnightly basis within NQAITS.
- Of the current 370 approved services, the breakdown of risk levels of services is as follows:
 - 1- Very Low - 24 (audit approximately every 26 months)
 - 2- Low - 79 (audit approximately every 20 months)
 - 3-Medium - 178 (audit approximately every 15 months)

³ Differences between the type of injury recorded and cause of injury where multiple children are involved in the same incident.

ANNUAL REPORT HEARING BRIEF

- 4- High- 70 (audit approximately every 12 months)
- 5- Very High - 19 (audit approximately every 9 months)
- Please note that those service with a very high to high rating may be a result that they are a new service have not received a visit yet and do not yet have a quality rating which impacts on the overall score.
- Please note that in determining a risk level, a compliance action remains active against a service for a period of two years.

Background

- The *Education and Care Services National Law (ACT) Act 2011* (The National Law) requires the Regulatory Authority to take complains and notifications, assess those issues and respond accordingly.
- The National Law requires the Regulatory Authority to monitor providers' and services' compliance with the National Law. This is done through risk assessments, auditing, investigations and assessing intelligence and data.
- The Regulatory Authority is also responsible for responding to complaints about a small number of services under the *Children and Young People Act 2008* (CYP Act).
- The regulatory Authority does not have an obligation or authority to resolve complaints that deal with administrative issues such as fees, waiting lists, or priority of access, unless they allege non-compliance with a provision of the ECS National Law or CYP Act.
- The regulator assesses complaints and investigates incidents alleging a risk to children's safety, health or wellbeing at approved education and care services.
- The Regulatory Authority has regular scheduled meetings to manage its functions:
 - Weekly Cycle – triage and risk management.
 - Fortnightly Cycle – case management.

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- Monthly Cycle – assessment and rating progress; audit and risk management progress; and investigation progress
 - Quarterly Cycle – education and care sector meetings; ECPG; ACECQA/ACT teleconference; ECPG working groups; and ACECQA working groups.
 - Yearly Cycle – audit program planning; risk rating; and assessment and rating schedule.
- The Regulatory Authority also keeps regular data records on a quarterly basis.

Portfolio: Early Childhood Development
Education and Youth Affairs**BACKPOCKET: Children’s Education and Care Assurance: COVID – 19**

- The spread of COVID-19 and the necessary response have had a substantial impact on the early childhood education and care (ECEC) sector, including outside school hours care (OSHC).
- Throughout the COVID-19 pandemic the ACT Government has engaged with ECEC stakeholders to hear their concerns, including; educators safety and wellbeing; issues about viability of services; and the impact restrictions have had on children experiencing vulnerability and disadvantage.
- ECEC Services have undertaken risk assessments to ensure the safety of children and staff. Children’s Education and Care Assurance (CECA) has provided a model policy to assist services in managing the risk of COVID19 transmission, and guidance on what to do in the event of an exposure and temporary closure
- Since mid-December 2021, CECA has been operating from 8am–8pm seven days a week to offer support and guidance to the sector on COVID–19 related issues.

Omicron Wave

- **Between 4 December 2021 and 26 January 2022, a total of 64 ECEC services had to close for one to five days.** Decisions to close were made on the basis of risk of COVID-19 transmission or inability to operate due to quarantining staff.
- **A further 93 services (ECEC, OSHC and FDC educators) partially closed (room or rooms but not whole service).**
- On 25 January 2022, CECA and ACT Health commenced a new process to manage COVID-19 risks in Education and Care services. Education and Care services are supported to undertake a risk assessment of high, moderate and low risk of exposure. The service then contacts staff and families to advise them of their risk status and provide ACT Health advice on testing and quarantine recommendations.
- The new risk settings have enabled services to isolate affected rooms and cohorts of children, but remain open for lower risk individuals.
- On 4 February 2022, ACT Health amended the risk settings for OSHC to align services with schools years K to 12.

Delta Wave

- **Between 12 August and 3 December 2021, a total of 33 ECEC services were directed to close.**
- **A further 62 services (ECEC, OSHC and FDC educators) closed for part or all of the lockdown time at provider discretion.** For many of these services, providers consolidated attending children to one site.

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- From **25 October 2021**, ECEC services in the ACT were able to return to full operation. OSHC had a **graduated return between 25 October 2021 and 1 November 2021**. This was based on ACT Health advice.

Support the ECEC Sector

- On 1 September 2021, Minister Berry held a forum with ECEC stakeholders regarding the impacts of COVID-19 in the sector. Key concerns included educator safety and wellbeing, issues about viability of services, and the impact current restrictions were having on children experiencing vulnerability and disadvantage.
- On 3 September 2021, the ACT announced the prioritising of ECEC sector in the vaccine rollout. This recognises the significant contribution educators make to children, their families and the wide community, and given them assurance that their health and safety is of great importance.
- On the afternoon of 6 October 2021, CECA hosted a forum of three experts to discuss supporting vulnerable children and families. 116 educators from the sector attended the forum, which was recorded as a resource for ongoing access by the sector.

The panel members were:

- Marina Dickson, the Australian Childhood Foundation's lead development of content and curriculum and a practitioner and teacher of trauma informed practice.
- Ally Sullings, Executive Manager of Education and Care, Capital Region Community Services; and,
- Amanda Tobler, CEO of Community Services #1 and former leader of Lifeline ACT's telephone counselling service.
- On 12 October 2021, the ACT Government announced a mandatory requirement of that anyone working directly with children in ECEC, Primary Schools or OSHC would need to be vaccinated. First dose required by 1 November 2021 and second dose by 29 November 2021.
- CECA has undertaken two key stakeholder meeting (1 October and 14 October 2021) to discuss the impact of lockdown restrictions in ECEC and OSHC. Discussions have raised issues of viability, vaccination of educators, COVID closures and close contacts, and what recovery might look like.
- On 31 January 2022, the ACT Government announced the provision of Rapid Antigen Tests (RATs) to all ECEC staff, working directly with children.
- CECA has managed the distribution of RAT's to education and care providers (not including the ACT public preschools and services co-located on site with an ACT Public School) through scheduled times for collection at Headly Beare Centre for Teaching and Learning.
- Distribution of RAT's commenced on Thursday 3rd February 2022 with two RAT's per week allocated to every ECEC educator or staff member.

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Communication with the sector

- Comprehensive communications tailored to the sector's needs during this time will be ongoing to keep providers, service leaders and educators well informed.
- A snapshot of CECA's communications and engagements reach to providers, services, and educators from 12 August 2021 to 25 January 2022 is below:

Communication Channel	Reach	Target Audience
Targeted emails, alerts, updates, and notifications	63 emails in total distributed to targeted and sector wide email contacts. Reach ranges between 155 -1,000 per each distribution.	Education and care providers, service leaders and educators
Tailored phone calls	36 calls to services directed to close on ACT Health advice or voluntarily closed due to health concerns	Education and care services leaders and providers
Support calls	All non-government services will receive a wellbeing call to provide target support. Approximately 241 calls to services and providers have been made so far.	Education and care services leaders and providers
Education and care COVID-19 webpage	Overall page views 6,482	Education and care providers, services leaders, educators, families, and wider Canberra community.
Online forums and meetings	<p>Three have been held since 12 August 2021.</p> <ul style="list-style-type: none"> • 1 September 2021 Sector forum with Minister Berry Attendance: approximately 150. • 6 October 2021 Supporting children and families experiencing vulnerability forum. Attendance: approximately 150 Recorded video: reach 56 views • 14 January 2022 Sector COVID-19 management forum with ACT Health. Attendance: approximately 230 Recorded video: reach 57 views 	Education and care providers, service leaders, peak bodies and educators.
Surveys	Three surveys delivered to gauge sector viability, child attendance and staffing levels.	Education and care providers and services leaders

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Communication Channel	Reach	Target Audience
Facebook	Approximately 201 COVID-19 related posts distributed since 12 August 2021 Overall page reach since 12 August 2021 6,329 Overall post reach since 12 August 2021 62,965 Overall page engagement 5,669 since 12 August 2021	Existing audience of 1,199 individual education and care providers, service leaders and educators. Page and content reach is beyond this audience.

Sector viability and support payments

- Australian Government ECEC Viability Support Package provided support for services in the ACT between August and October 2021. This package provided payments of either 25% or 40% (depending on service type) of pre-lockdown revenue to support services who met the package's eligibility criteria.
 - For Centre Based Day Care, Family Day Care and In Home Care services this will mean a fortnightly payment of 25% of their pre-lockdown revenue calculated up to the hourly cap.
 - For Outside School Hours Care (OSHC) and vacation care services this will mean a 40% fortnightly payment of their pre-locked down revenue calculated up to the hourly cap.
 - Business continuity payments are contingent on services:
 - having reasonable expectations attendance will drop below 50%
 - not accessing other Commonwealth Government-funded business supports
 - waiving gap fees for all families whose children are not attending
 - maintaining staffing levels, and
 - agreeing to a fee freeze for the duration of business continuity payments.
- The ECEC Viability Support Package will continue to be in place while the ACT is considered a 'COVID-19 Hotspot' by the Commonwealth Government.
- During this period, the Australian Government also provided additional allowable absences for children, and allowed services to waive gap fees for children who were not attending ECEC (meaning that families did not need to pay while they were not accessing the service).
- On 9 November 2021, the Australian Government announce an additional 10 allowable absences for children in the 2020-2021 financial year and changes to the law that would allow service to waive gap fees for children who cannot attend because they, or a member of their household, is required to isolate, or when the service or room at the service is closed.

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- On 27 January 2022, the Australian Government extended the support for the early childhood sector by:
 - Providing allowable absences throughout January and February 2022, in response to the Omicron wave;
 - Increasing the reasons a service can waive gap fees for families to also allow children at higher risk of severe disease for COVID-19; a service or room closure, including on the guidance of state or territory government agency or because the child ratios cannot be safely met as educators must isolate; and
 - Allowing payment of CCS for absences at the start or end of an enrolment backdated to the 1 December 2021 until 30 June 2022.
- Throughout the pandemic the ACT Government has taken feedback from the ECEC sector through surveys. The responses show that viability is consistently a concern as services return to full operation, particularly for circumstances where services are required to temporarily close or children are unable to attend due to exposure to COVID-19.
- The ECEC sector surveys also highlighted concern for educator wellbeing, and for families experiencing vulnerability at this time. The ACT Government is providing support to services to help address these issues.
- The ACT Government continues to monitor this issue and is working collaboratively with the Australian Government to ensure the needs of the ACT sector are met.
- Eligible providers (ACT Property Group tenants) have the option to access rent relief through the extension of the Rental Relief Initiative. This initiative provided a waiver of rents for 1 September 2021 to 30 September 2021 (inclusive)

Portfolio: Education and Youth Affairs

BACKPOCKET: Non-Government Education: Facts and Figures

Non-Government Schooling

- Non-government schools (NGS) are responsible for educating approximately **37.5% of all students attending ACT schools**. They must be registered and must meet the conditions of registration outlined in the *Education Act 2004*, as well as Commonwealth requirements pertaining to funding and governance of the school, and other Territory and Commonwealth legislative and regulatory requirements.
- There are **47 registered Non-Government Schools** comprising **18 independent** schools and **29 Catholic systemic schools** in the ACT.
- During 2021 the registration of seven independent schools and six Catholic systemic schools are scheduled for renewal.

Independent Schools	Blue Gum Community School	Daramalan College
	Brindabella Christian College	Emmanuel Christian School Canberra
	Burgmann Anglican School	Islamic School of Canberra
	Canberra Christian School	Marist College Canberra
	Canberra Girls Grammar School	Orana Steiner School
	Canberra Grammar School	Radford College
	Canberra Montessori School	St Edmunds College
	Communities@Work Galilee School	Taqwa School
	Covenant Christian School	Trinity Christian School
Catholic Systemic	Good Shepherd Primary School	St John Paul II College
	Holy Family Parish Primary	St John the Apostle Primary
	Holy Spirit Primary	St John Vianney's Primary
	Holy Trinity Primary	St Joseph's Primary School

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	Merici College	St Jude's Primary School
	Mother Teresa School	St Mary MacKillop College
	Rosary Primary	St Matthew's Primary
	Sacred Heart Primary	St Michael's Primary
	St Anthony's Primary	St Monica's Primary
	St Bede's Primary	St Peter & Paul
	St Benedict's Primary	St Thomas Aquinas Primary
	St Clare of Assisi Primary	St Thomas More's Primary
	St Clare's College	St Thomas the Apostle Primary
	St Francis of Assisi Primary	St Vincent's Primary School
	St Francis Xavier Primary	

Home Education

- During the past three years we have seen **significant growth** in the number of children registered for home education in the ACT:
 - **2019** February census — **305** children and young people were registered
 - **2020** February census — **322** children and young people were registered
 - **2021** February census — **396 children and young people were registered.**
- From 2020 to 2021, home education registrations increased sharply by 23%
- While the census data clearly demonstrates that home education has grown in the ACT, census data does not fully represent the number of students who are home educated at some point in the year. For example:
 - **503 different students were registered** for home education at **some point during the 2020** calendar year; and
 - **133 children and young people left home education during the same period** for a range of reasons – but mostly to return to

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school, move interstate, or because they had turned 17 and were no longer required to participate in compulsory education.

- As at **30 September 2021, 427 children and young people are registered** for home education in the ACT. This is an **8% [31] increase** in registrations **since the February 2021 census**.
- During September 2021 (when the ACT was under the health emergency lockdown and school aged children were either on school holidays or learning from home) applications for home education registration were significantly lower than during other months in 2021. It is anticipated that home education registrations will continue to grow into the future.