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20 June 2022

Queensland
Family & Child
Commission

Mr Michael Brennan
Chair
Productivity Commission
GPO Box 1428
CANBERRA CITY ACT 2601

Dear Mr Brennan

Thank you for providing the Queensland Family and Child Commission (QFCC) with the opportunity to make a submission to the Productivity Commission's inquiry into the National School Reform Agreement (NSRA).

The QFCC is a statutory body of the Queensland Government seeking to give practical effect to the rights of all children and young people in Queensland. Under the *Family and Child Commission Act 2014*, the QFCC is responsible for promoting the safety, wellbeing and best interests of children and young people. This includes representing their best interests in decision-making processes.

This submission will focus on promoting children's right to education through the NSRA.

Right to education and impact of COVID-19

Under articles 28 and 29 of the United Nations *Convention on the Rights of the Child* (UNCRC), all children have the right to education, to develop the child's personality, talents and abilities to their fullest potential.

The NSRA should focus on upholding these rights, including outlining the roles of governments and communities in guaranteeing access to a high standard of education.

This is particularly important at present, given the long-term impact of COVID-19 on children and young people across Australia. The Productivity Commission should consider the impact of COVID-19 on school non-attendance, and any lasting effects on children's education.

At the same time, consideration may be given to whether ongoing options to learn from home could benefit some children, particularly those experiencing chronic illness, disability or mental health issues, or those who live in or move between remote areas.

It is important that children be the focus of the NSRA, to make sure reforms are delivered with the rights, needs and best interests of children as a primary concern.

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At present, the strategy focuses on ways to improve teaching quality to strengthen outcomes for children in education. Consideration should be given to providing additional support in schools for children experiencing disadvantage, including children in the identified equity cohorts.

In addition, consideration should be given to expanding the identified equity cohorts to include children in contact with child protection and youth justice services, who are known to be at risk of disengagement from education.

In 2019, 77.2 per cent of children on guardianship or custody orders achieved the national reading benchmarks in year 5 in Queensland, compared to 94.8 per cent of all students. In numeracy, 75.8 per cent of children on orders achieved the benchmarks, compared to 95.6 per cent of all children.¹

In 2013, a broader national study found 82 per cent of children in out-of-home care met the national minimum standard in reading in year 3, compared to 95 per cent of all children. By year 9, this dropped to 69 per cent, compared to 93 per cent of all children. Only 57 per cent of young care leavers completed year 12 in 2013, compared to a national average of 85 per cent.²

These statistics demonstrate children in care of the State need to be specifically focused on reduce inequitable education outcomes. The NSRA should be strengthened by focusing on improving outcomes for children in these more vulnerable cohorts.

First Nations perspectives

The NSRA includes Aboriginal and Torres Strait Islander students as an identified equity cohort, and includes a target to increase the proportion of Aboriginal and Torres Strait Islander people attaining a Year 12 or equivalent qualification to 96 per cent by 2031.

To help achieve these outcomes, education policy and curriculum should promote First Nations cultural practices.

This can build on the foundation provided by the 2020 Mparntwe Education Declaration, signed by Education Ministers across Australia, which calls for a cross-curriculum priority to provide 'Aboriginal and Torres Strait Islander students with the ability to see themselves, their identities and cultures reflected in the curriculum and allows all students to engage in reconciliation, respect and recognition of the world's oldest continuous living cultures'.³

School disciplinary absences

The NSRA should also consider the use of school disciplinary absences (SDAs), which is an issue of great concern to the QFCC. Overuse of SDAs may impact the right of children and young people to education, and have a profound effect on their ongoing wellbeing.

¹ Productivity Commission 2022, *Report on Government Services 2022*, Part F, Section 16: Child Protection Services, table 16A.39, <https://www.pc.gov.au/research/ongoing/report-on-government-services/2022/community-services/child-protection>, accessed 16 June 2022.

² Te Riele K et al 2022 'Attending school every day counts – but kids in out-of-home care are missing out', *The Conversation*, 11 May, <https://theconversation.com/attending-school-every-day-counts-but-kids-in-out-of-home-care-are-missing-out-182299>, accessed 15 June 2022.

³ Education Council 2020 *Alice Springs (Mparntwe) Education Declaration*, <https://www.dese.gov.au/alice-springs-mparntwe-education-declaration/resources/alice-springs-mparntwe-education-declaration>, accessed 15 June 2022.

In 2021, students with disability made up 46 per cent of all students receiving an SDA in Queensland.⁴ Aboriginal students and Torres Strait Islander students made up 25.2 per cent of this cohort,⁵ despite comprising approximately 10 per cent of full-time enrolments in Queensland Government schools.⁶

Disengagement from education is a known risk factor for contact with the youth justice system. In 2021, the QFCC's [Changing the sentence: Overseeing Queensland's youth justice reforms](#) report found around 53 per cent of children in the statutory youth justice system are disengaged from education, training or employment.⁷

When a child is suspended from school, not only is their access to education limited, they also lose access to the social and health supports schools offer. Directly and indirectly, schools provide for the welfare of children as school staff are uniquely placed to identify children who may need to be referred for further support. Children who are suspended from school lose what might otherwise be their only accessible support network.

For these reasons, SDAs should be administered only as a last resort. Where students are suspended or disengaged from schools, alternative pathways must be provided to make sure children have the opportunity to continue their education and remain connected to school staff who can refer them to broader support services when required. Where children are disengaged from education, alternative programs must be available to successfully re-engage those children.

Participation of children in decision-making

Under article 12 of the UNCRC, children have a right to have a say in decisions that affect them. The terms of reference for the current review, laid out in Appendix B, speak to the importance of consulting with all parties to the NSRA and all school sectors. However, there is no mention of consulting directly with the children who are at the centre of the education system.

The QFCC strongly encourages the Productivity Commission to engage directly with children to hear their views and consider their experiences when identifying opportunities to strengthen the NSRA.

The NSRA should also build in regular opportunities to engage directly with children as part of the measurement framework. Evaluations of programs and services for children and young people, including education, should be designed and conducted with the voices of children and young people at the forefront.

In 2021, the QFCC released the *Model of Participation*, which helps organisations genuinely connect with young people, support them to share their views, amplify what they tell us and make sure their views influence decision-making. The Model of Participation is available at <https://www.qfcc.qld.gov.au/model-participation>.

In addition, the measurement framework should make sure major programs and policy initiatives are evaluated at key time points to ensure they are being implemented as intended and are achieving desired outcomes.

⁴ Queensland Parliament, Answer to Question on Notice No. 282, asked 29 March 2022.

⁵ Queensland Parliament, Answer to Question on Notice No. 282, asked 29 March 2022.

⁶ Report on Government Services 2022, Part b, Section 4: School Education, School Education Data Tables, Table 4A.5 accessed 15 June 2022

⁷ Queensland Family and Child Commission 2021, *Changing the sentence: overseeing Queensland's youth justice reforms*, <https://www.qfcc.qld.gov.au/keeping-kids-more-safe/monitoring-reviewing-systems-protect-children/changing-sentence>, accessed 15 June 2022.

Evaluation findings can inform continuous improvement and provide funders, service providers, clients, and the community with confidence that government funds are being used efficiently and effectively.

If you or your officers have any queries in relation to this matter they may contact [REDACTED], Senior Executive Director, Corporate and Communications on [REDACTED] or [REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to read 'L. Twyford', written in a cursive style.

Luke Twyford
Principal Commissioner
Queensland Family and Child Commission