



INDEPENDENT SCHOOLS
COUNCIL OF AUSTRALIA

Inquiry into the education of students in remote and complex environments - Home learning and teaching during COVID 19

Submission by
the Independent Schools Council of
Australia (ISCA)

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Introduction

The Independent Schools Council of Australia (ISCA) welcomes the opportunity to provide a supplementary submission examining home learning and teaching during COVID 19 to the House Standing Committee on Employment, Education and Training's inquiry into the education of students in remote and complex environments.

Independent schools serve a broad range of students and communities, reflecting the diversity of Australian society, and have a long-standing commitment to supporting quality education for students across Australia, including in remote and complex environments.

The COVID-19 pandemic has created a unique and unprecedented set of challenges for all aspects of life for all Australians, including schooling.

The autonomy of Independent schools enables them to respond flexibly, effectively and creatively as professional educational organisations to meet the needs of their school community and to develop, innovate and improve the school to enhance outcomes for students.

This submission focuses on the impact of COVID-19 on schools in the Independent sector, particularly the challenge of rapid adaptation to home and online learning and learning. The autonomous nature of Independent schools means that a range of flexible approaches, which meet the specific context and need of each Independent school, have been applied in order for schools to address this challenge.

Background

In December 2019, the House Standing Committee on Employment, Education and Training established an inquiry into the education of students in remote and complex environments.

ISCA previously provided a submission to the inquiry on 28 February 2020. The committee is invited to refer to ISCA's earlier submission for background information about ISCA and about the Independent sector, the provision of educational services by Independent schools for students from remote communities and complex environments, either living in those communities or furthering their education away from home at an Independent boarding school, and a range of other issues addressing the inquiry's Terms of Reference.

Due to the COVID-19 pandemic, the committee suspended its program of hearings in early 2020. On 14 May 2020, the committee indicated that, as part of part of the inquiry into the education of students in remote and complex environments, it was seeking further evidence about the further complexities arising from the impacts of the COVID-19 pandemic, and the response of Australian families and schools. This included the need for rapid adaptation to home learning as well as using online resources.

COVID-19

The first case of COVID-19 in Australia was confirmed on 25 January 2020. From February travel bans were imposed on China, Iran, South Korea, and Italy. The World Health Organisation declared

COVID-19 a pandemic on 11 March 2020. On 20 March 2020 Australian borders were closed to non-residents.

The National Cabinet, comprising the Australian Government and State and Territory premiers and chief ministers, was formed on 13 March 2020. At successive weekly meetings, the National Cabinet has broadly agreed actions to be taken by the Australian Government and the states and territories in relation to the pandemic.

The Australian Government and the National Cabinet have been advised in relation to the pandemic and appropriate health measures by the Australian Health Protection Principal Committee (AHPPC). The AHPPC comprises the Chief Medical Officer of the Australian Government, the Chief Health Officers of the State and Territory Governments, nominated health disaster officials and other experts.

On 21 March 2020 social distancing was introduced along with the closure of non-essential services by state and territory governments. At that time the Prime Minister stated that he would like schools to remain open, but parents could keep children at home if they wished to.

On 29 March, the National Cabinet agreed to stricter limits to apply from midnight on 30 March including strong guidance to all Australians to stay home unless for necessary shopping, health care, exercise, and work and study that couldn't be done remotely. It was left to individual states and territories to implement and enforce these guidelines.

School closures and move to online learning

One of the most difficult aspects of the COVID-19 pandemic response has been the mixed messages and conflicting advice from state and territory governments and the Australian Government on who should be attending school and who should be learning from home, particularly with respect to understandings about who are:

- Essential workers
- Vulnerable students
- Vulnerable staff.

Non-government schools exist in a complex regulatory environment. They are registered as schools by state and territory education authorities and must abide by all relevant state and territory legislation as well as national legislation. As the recipients of Australian Government funding, non-government schools also must meet all the requirements of the *Australian Education Act 2013* to meet the on-going conditions for funding.

The confusion became apparent around the time of the National Cabinet meeting on 22 March 2020 when several states; NSW, Victoria and the ACT had already announced their intention to essentially close schools while noting that they would be accessible to those who needed them, for example the families of essential workers.

After the National Cabinet meeting, the Prime Minister was clear that schools would stay open saying that *"it is still the case, and...the evidence is that the incidents of the coronavirus amongst younger people is far lower than it is for the rest of the population. And so the health risk to children is less, is our advice, than to other parts of the population. It is also still the fact that if there were*

widespread school closures across the country, then that would seriously impact and disrupt the health workforce that is needed to save lives. And so that is a paramount consideration also of the National Cabinet.”¹

As the pandemic worsened, state and territory health advice resulted in an increased move to online learning in schools. While the length and extent of online learning differed greatly from state to state, the move to online learning across Australia had wide-ranging impacts and implications for all Independent schools. These range from reporting requirements to staffing and include:

- Initial confusion about appropriate attendance recording
- Parents wishing to withdraw their child from school during the period of learning from home
- Legal aspects of a school meeting the requirements of enrolment contracts with parents
- Duty of care arrangements (students and staff)
- Delivery of online support that ensured appropriate understanding of child protection arrangements (to protect both staff and students)
- Working from home arrangements, including insurance cover
- Unclear advice regarding adequate social distancing for staff safety.

Independent schools have been managing this widely varied set of issues and concerns without systemic support, such as that available to government schools.

As the pandemic progressed, tensions between the Australian Government Minister and some state and territory governments in relation to schooling became apparent. In late April 2020, the Australian Government Minister for Education imposed a funding condition on non-government schools under the *Australian Education Act 2013* which required schools to provide a physical learning environment from the commencement of Term 2, 2020. This was perceived as reinforcing the Australian Government position that schools had to remain open.

On 24 April 2020 the AHPPC released advice on reducing the potential risk of COVID-19 transmission in schools. This advice noted “the relatively low risk of COVID-19 transmission in schools”.² On the same day the National Cabinet provided advice that social distancing was not required in schools agreeing that “the 1.5 metre social distancing requirement and four square metre rule for venues was “not appropriate and not required” for schools.”³ With the easing of the pandemic and changes to health advice in the states and territories, Australia should shortly be in the position of all states and territories having completely returned to classroom learning.

Having messages that are unclear and at times apparently contradictory, particularly between the Australian Government and state and territory governments, has required Independent schools to manage their individual situations and to respond to highly complex situations with a great deal of flexibility and speed.

¹ <https://www.pm.gov.au/media/press-conference-australian-parliament-house-act-22march>

² <https://www.health.gov.au/news/australian-health-protection-principal-committee-ahppc-advice-on-reducing-the-potential-risk-of-covid-19-transmission-in-schools-24-april-2020>

³ <https://ministers.dese.gov.au/tehan/updated-advice-social-distancing-school>

Boarding schools

There were significant difficulties with respect to boarding arrangements and health directives at the state and territory level with different advice being provided by different jurisdictions with different requirements. Some states allowed boarding schools to remain open with specific conditions and others required all boarding schools to close.

Another issue is that of out-of-state boarding students and the need for them to cross borders border to enable school attendance. This also applies to school staff. With schools resuming classroom learning and as students return to boarding schools, some state borders remain closed, potentially preventing students and / or staff from returning to their schools.

Indigenous students from remote communities and ABSTUDY

The Independent sector is the largest provider of boarding facilities to Indigenous students. There was significant concern about the ongoing viability of several Independent boarding schools which solely serve the needs of Indigenous students from remote communities. In some states boarding schools were completely closed on health grounds due to transmission concerns and at the same time all Indigenous students went back to their communities either due to school closures or to return before the communities were closed to protect vulnerable populations.

The Department of Social Services quickly made positive changes to ABSTUDY payments to support Indigenous students and boarding schools in Term 2. Under the new temporary arrangements, boarding students who qualified for ABSTUDY or Assistance for Isolated Children (AIC) boarding payments in Term 1 will continue to qualify for payments in Term 2, provided they maintain their Term 1 boarding arrangements. This was welcomed by the Independent sector.

Copyright

With the move to online learning for large numbers of Australian students, the issues of intellectual property and copyright were of significant area of concern for schools. ISCA and NCEC wrote to the Australian Government at the end of March outlining the non-government school sector's concerns.

In early May the Australian Government Ministers for Education and Communications wrote back to ISCA and NCEC noting that the National Copyright Unit had developed guidelines to help teachers use copyright content effectively and minimise potential harm to copyright owners and that these guidelines have received in principle agreement for the collecting societies.

The letter also noted that notwithstanding the in-principle agreement to the guidelines, that schools remain at risk of technical breaches under the *Copyright Act 1968* and that the Australian Government Minister for Communications would write to collecting societies to ask for 'forbearance' during the pandemic.

The need for schools to be able to deliver remote and online learning more flexibly was also noted and the Ministers gave an undertaking to seek further legislative change as soon as possible.

NBN Co

In early April 2020, the Australian Government Minister for Communications wrote to ISCA seeking assistance in identifying and communicating with families of students who do not have access to the

National Broadband Network (NBN) at home. There was a concern expressed at the ability of children to learn online if they did not have an adequate internet connection at their home.

NBN Co engaged with Retail Service Providers (RSPs) and with the education sector to develop initiatives to support the connection of these students. This included access options for remote communities and the schools servicing students in those communities. On 17 April the Australian Government Ministers for Finance and Communications announced \$150 million in relief to internet providers so that they could assist Australian families and businesses. Of those funds, \$50 million was specifically allocated to assist low-income households with school-aged children.

Impact on students

In terms of the students being educated at Independent schools there are concerns for some cohorts of students adversely affected by school closures and the move to online learning. These include students who:

- Have specific needs that require special assistance
- Do not have access to internet or technology at home
- Live in remote communities
- Normally attend a boarding school and are unable to access the return to face-to-face learning offered to day students
- Highly disadvantaged and disengaged youth including students impacted by domestic violence, abuse or living in out of home care etc
- Indigenous boarding school who returned to community may be unable to return to school due to restrictions around boarding schools and state border closures.

Remote indigenous children particularly have inadvertently been disadvantaged, with vulnerabilities further exposed during the closure of schools as a result of COVID-19. There has been anecdotal evidence of:

- Substance abuse - for example marijuana, sniffing incidents have increased
- Overcrowding of homes
- Risk of paedophiles residing in remote communities, in breach of legal conditions
- Increased levels of teasing and anti-social behaviour, impacting on social and emotional health of children
- Daily health routines including personal hygiene and nutrition being limited
- Reduced access to health services
- COVID-19 has created additional triggers for highly sensitised, complexly traumatised children.

The expectation that parents who are working full-time from home also have the time capacity to adequately involve themselves in their children/s learning from home was also somewhat unrealistic and the definition of “essential workers” does not appear to cater for the majority of parents.

Impact on staff

The closure of Independent schools in remote areas and the predicted catastrophic impact of COVID-19 Pandemic on the health of Australians significantly affected the livelihood, personal, and professional lives of many educators. Schools have responded and managed the following scenarios:

- Relocation of all non-local staff from community, as a result of influx of community population relocation to traditional lands, away from regional centres, therefore higher risk of limited access to health and other services, and safety of staff
- Heightened concern about the safety, health and well-being of children in remote communities during school closures, as a result of children and families having limited access to communication tools and internet infrastructure
- Conflicting messaging and policies between the Australian Government and state and territory governments with ad hoc and challenging timelines to implement return to face to face teaching, In WA, many interstate teachers returned to their place of permanent residence, and have taken up to four weeks to return to face to face teaching
- The social and emotional impact of working in complex and trauma remote communities has been exacerbated as a result of remaining in communities on lockdown, particularly during school holiday periods.

Conclusion

ISCA welcomes the opportunity to provide a supplementary submission examining home learning and teaching during COVID 19 to the House Standing Committee on Employment, Education and Training's inquiry into the education of students in remote and complex environments.

Further information about ISCA and about the Independent sector, the provision of educational services by Independent schools for students from remote communities and complex environments, either living in those communities or furthering their education away from home at an Independent boarding school, and a range of other issues addressing the inquiry's Terms of Reference may be found in ISCA's earlier submission to the inquiry.

The COVID-19 pandemic, both by its nature as a significant public health risk and the speed at which schools were required to move to home and online teaching and learning, has created a unique and unprecedented set of challenges for all Independent schools.

The complexities arising from the impact of the COVID-19 pandemic include significant issues relating to:

- Clear and consistent messages from governments regarding school closures and the need to move to home and online learning
- The unique public health and educational challenges relevant to Independent boarding schools, particularly those which provide boarding services for Indigenous and vulnerable students
- Issues of intellectual property and copyright
- The ability of children to learn online if they did not have an adequate internet connection, or/adequate technology at their home
- The impact of school closures and the move to home and online learning on vulnerable students
- The impact of school closures on teaching and other staff, and the wider school community, particularly in vulnerable remote and complex communities.

Independent schools have been managing this widely varied set of issues and concerns without systemic support, such as that available to government schools.

The autonomous nature of Independent schools means that a range of flexible approaches, which meet the specific context and need of each Independent school, have been applied in order for schools to address the unique challenges of the COVID-19 pandemic.

Independent Schools Council of Australia

15 June 2020