

Productivity Commission Draft Report: Data Availability and Use

Submission by

The Independent Schools Council of Australia (ISCA)

Introduction: About the Independent sector

The Independent Schools Council of Australia (ISCA) is the peak national body representing the Independent school sector. It comprises the eight state and territory Associations of Independent Schools (AISs). Through these Associations, ISCA represents a sector with 1,091 schools and just over 586,800 students, accounting for nearly 16 per cent of Australian school enrolments.

Independent schools are a diverse group of non-government schools serving a wide range of different communities. Many Independent schools provide a religious or values-based education. Others promote a particular educational philosophy or interpretation of mainstream education. Independent schools include:

- Schools affiliated with larger and smaller Christian denominations for example, Anglican, Catholic, Greek Orthodox, Lutheran, Uniting Church, Seventh Day Adventist and Presbyterian schools
- Non-denominational Christian schools
- Islamic schools
- Jewish schools
- Montessori schools
- Rudolf Steiner schools
- Schools constituted under specific Acts of Parliament, such as grammar schools in some states
- Community schools
- Indigenous community schools
- Schools that specialise in meeting the needs of students with disabilities
- Schools that cater for students at severe educational risk due to a range of social/emotional/behavioural and other risk factors.

Independent schools are not-for-profit institutions founded by religious or other groups in the community and are registered with the relevant state or territory education authority. Most Independent schools are set up and governed independently on an individual school basis.

However, some Independent schools with common aims and educational philosophies are governed and administered as systems, for example the Lutheran system. Systemic schools account for 18 per cent of schools in the Independent sector. Independent Catholic schools are a significant part of the sector, accounting for 8 per cent of the Independent sector's enrolments.

Role of ISCA and the AISs

The Independent Schools Council of Australia (ISCA) represents the interests of the Independent school sector at the Commonwealth level. ISCA advocates on behalf of Independent schools

through representation on national committees, consultations with national bodies and Commonwealth departments on a range of policy areas. It does not have a direct relationship with Independent schools and does not collect any data directly from Independent schools. ISCA has access to national data sets as the national peak body for Independent schools. ISCA utilises these data to provide factual information on the sector to the Independent sector and to the wider community and to provide evidence-based support for its advocacy on behalf of the sector.

The Associations of Independent Schools (AISs) in each state and territory directly represent and support Independent schools in their jurisdiction. Independent schools receive support from the AISs for all aspects of school operations and in the development of policies and programs related to national and jurisdictional requirements. AISs generally do not collect data from their schools however there have been instances where national programs, such as targeted programs and other Commonwealth initiatives, have required the AISs to collect quantitative and/or qualitative information for the purposes of program development and evaluation. Indeed AISs are often expected or required to help facilitate the collection of school information for the purposes of national and jurisdictional collections.

Overview

This submission will provide a brief insight into the Independent school sector's position on the use of data in the education sector and will reiterate a number of key points made in the sector's submission to Productivity Commission's recent Review into a National Evidence Base.

Data Issues in the Education sector

Data on students and schools is currently being collected at the State and Federal level for the purposes of reporting, accountability and transparency. Independent schools collect data at the school level and this information is reported to state and territory governments, the Commonwealth Government and education agencies such as the Australian Curriculum, Assessment and Reporting Authority, as required by legislation.

Data are collected from Independent school parents from enrolment forms, from national testing such as NAPLAN and from other sample tests and surveys, and from administrative collections on attendance, student and staffing numbers and finance.

Increasingly there is a focus on providing more data on an increasing number of characteristics. The difficulty is that for some of these characteristics there is no agreed definition, single measure or way of collecting information that allows reporting at the national level.

Reporting at the national level requires a robust and rigorous agreed definition and collection process. Data which is not rigorous or nationally consistent should not be reported publically at this level as this is a potential for data to be presented in misleading or inaccurate formats and interpretations.

It requires the assessment of education data in terms of whether it is fit for purpose, to ensure that any improvements do not place added burden onto schools and that there is a cost benefit analysis for any changes or additions to current processes and ideally clear links to improving educational outcomes. Any examination should take into account the level of additional resourcing required and the impact on Independent schools.

Increasing the breadth of data collected should not be about creating new collections or processes adding to the burden at the school level but more about changing the way governments and providers/educators think about the data/evidence they have available to them and how this can be used in a meaningful way.

This requires the monitoring of procedures for the collection of education data to ensure the burden at the school level is commensurate with the value of the data to the education community.

Consideration is now being given to linking data so that an individual student's educational journey and outcomes can be tracked over time, across institutions and borders. Data linkage is covered in the section below however it is also important to note that a level of technological capability is required for schools and systems to provide data in this form and currently it is not possible for this to happen nationally across all sectors.

Currently many 'low technology' Independent schools are supported by the Australian Government Department of Education and Training and Associations of Independent Schools to complete national data collections. As noted elsewhere in this submission, for many schools reporting is an onerous task which ties up considerable resources. Any additional collections would need to be very closely examined to ensure that they are an effective use of a school's time and that effort is made to streamline data collections to ensure that the cumulative reporting burden does not become too great.

Data sharing

Theoretically, there is benefit in enabling data sets to be shared and linked as it expands the possible uses of a given data set. However, there remain some significant issues with data linkage and also with the concept of expanding a Unique Student Identifier (USI) across schools and the early childhood sectors, ranging from the potential costs to on-going privacy concerns.

Introducing a USI into the school sector would require a significant upfront investment. The experience of Victoria in introducing a cross-sectoral USI was that it was a significant undertaking both financially and in terms of supporting schools through the process and also on an on-going basis. There is also a very strong view that a USI is not necessary in the schools sector and that the same benefits could be achieved through data linkage.

The Australian Longitudinal Learning Database (ALLD) proposal put forward in 2012 had similar issues in terms of cost for the Independent sector. Being non-systemic, Independent schools use varying modes for reporting and currently do not provide unit record level data for any collections. It was estimated that for the Independent sector to participate in the ALLD there would be a similar cost to that of introducing a USI.

Privacy issues also arise in the case of data linkage. For example a Tri-Borders Project was intended to track and provide continuity of learning for remote Indigenous students across all school sectors in WA, SA and NT. However, issues arose with jurisdictional privacy legislation including the types of data which could and could not be shared. This has impacted on the overall effectiveness of the project for tracking a particularly disadvantaged cohort and it is unlikely that in the current context it will be able to be extended nationally.

There is also an overarching concern in the Independent sector around ensuring that any linkage of data sets is done on the basis of appropriate use and sound policy rationale regarding educational

benefit rather than as an end in itself. Data sets also need to be evaluated to ensure that they are fit for purpose. The use of data sets for purposes for which they were not intended needs to be closely scrutinised to ensure the data is not being taken out of context or misused.

ISCA supports more transparency and certainty for data custodians in relation to when and how data is able to be shared without impinging on privacy concerns. This would enable data custodians to be more confident in sharing data sets where appropriate.

Privacy

There are currently complex privacy arrangements in place across different levels of government and in the school sector. These complexities impact on what level of data is available (aggregated or unit record level) to whom (State, Commonwealth governments and their agencies) and for what purposes (reporting at the school level on *My School*, reporting nationally on Key Performance Indicators, transparency on finance information).

In this context ISCA refers to the action of the Australian Government to amend the Australian Education Regulation 2013 in late 2014 to enable the *Nationally Consistent Collection of Data on Student with Disability* (NCCD) data to be collected and reported without explicit consent from parents. Inconsistent privacy arrangements and legislation across jurisdictions had resulted in differing consent arrangements across the states and territories which affected the comparability of the data in what was intended to be a national data set. To this end, ISCA would support attempts to make privacy arrangements across states and territories consistent.

A subsequent side-effect of the introduction of the Education Regulation 2013 for the NCCD data collection has been that as Independent schools were required to provide the data under legislation, where collection notices had been provided to parents, they were no longer required. This lessens the awareness of what is being collected. It is also unclear if parents are aware of the potential uses of the information being provided through this data collection including the potential use of these data for funding purposes.

The Data Strategy Group (DSG), a sub-group of the Education Council, is currently working towards a National Information Agreement (NIA) for schooling. It is intended that the provisions of the NIA should go some way to addressing some of the existing or perceived barriers to data sharing, including around questions of privacy.

ISCA also supports further refinement of the privacy notices provided to parents and guardians regarding the formal consent and notification procedures regarding the use and disclosure of personal information at the initial point of collection. ISCA has previously raised concerns that current privacy notices may not provide enough information to parents/guardians regarding the actual uses of data collected by schools.

For example, it is highly likely that parents are not aware that the parental background data they provide on enrolment forms is used for funding. These data are used to calculate the low SES loading component of the current funding model via the use of socio-educational advantage (SEA) quartiles calculated by the Australian Curriculum, Assessment and Reporting Authority (ACARA) for the purposes of creating the index of community socio-educational advantage (ICSEA).

ICSEA was created “specifically to enable meaningful comparisons of National Assessment Program – Literacy and Numeracy (NAPLAN) test achievement by students in schools across Australia”¹ not for funding purposes.

Data comparability

There are a number of data comparability issues across a range of school sector data collections. Not only are there differences between school sectors, there are also differences between states and territories. Given that the government and non-government sectors are structurally different, one of the main areas of difference is in regard to finance data and how this data can be presented in a comparable way.

For example, in the development of the *My School* data set for public reporting, the issue of comparable finance data was a significant one. There is a section on the *My School* website dedicated to explaining the financial limitations of the data by sector and state/territory, the methodology used to produce the data and the accounting advice from Deloitte. It notes that “while every effort has been made to make school financial information comparable there are limitations that need to be recognised, especially when comparing school finances across sectors.”²

Data management systems can also impact comparability. For example, NSW government schools are currently unable to implement the *National Standards for Student Attendance Data Reporting*. Systems issues can also impact on the ability of schools and systems to provide data in a comparable manner in other contexts.

Another example, the National Schools Statistics Collection (NSSC), is managed by the Australian Bureau of Statistics (ABS) and the data is provided directly by the state and territory Departments of Education and from the non-government sector via the Australian Government Department of Education and Training. While currently these data are reported at the aggregate level, some jurisdictions are able to provide this data to the ABS at unit record level. This is not however possible for the Independent sector. The Independent sector has within it schools that do not have a level of technological capability which would enable unit record level (URL) reporting. Often these schools are small and/or remote and would require a significant financial investment to enable reporting of this type.

The methodology for *Nationally Consistent Collection of Data on School Students with Disability* is completely different to other collections in that it relies on teacher assessment of adjustments provided to students, a subjective measure, rather than an objective measure such as a medical diagnosis, for counting students with disability (SWD). This approach means that consistency of judgements across schools, sectors and jurisdictions is a significant concern to the Independent sector.

Consistent metadata across all collections is one way in which some level of consistency can be achieved between data collections. Some collections already use common definitions so that data can be reported once and used for multiple purposes, such as the non-government school census data which is used for both the NSSC collection and the ACARA *My School* data set.

¹ <https://www.myschool.edu.au/AboutUs/Glossary/glossaryLink#main>

² <https://www.myschool.edu.au/MoreInformation/Finance/FinancialLimitations/2014>

Data capture, processing and management

The Independent school sector is already highly involved in the provision of data for a range of accountability requirements at both the state and national level. Further to this, there are a range of data collections and surveys that schools may be selected for or choose to opt in to, again at the state, national and also international level. For many Independent schools this is a significant burden in terms of the resources required to fulfil these requirements.

The Data Strategy Group undertook a stocktake of the data collections in the early childhood and school sectors which showed that there was not, in fact, a huge degree of overlap between collections. It seems as if the mantra of 'collect once, use often' is actually in use to some degree. And this extends in some cases beyond the education sector. For example the Australian Charities and Not-for-profits Commission (ACNC) uses the Financial Questionnaire data provided by non-government schools and systems to fulfil the financial requirements for the Annual Information Statement for charities.

Currently education data is being used by a range of stakeholders for a range of purposes. State and territory governments collect data on their own education systems and students for a range of purposes including research on program efficacy, student characteristics, attendance etc. If such research is not known outside the jurisdiction, there is a high chance of duplication of effort by other jurisdictions or missed opportunities for collaborative activity. While a number of fora exist for information sharing of this nature, perhaps a register of education research, including government and university level research, would provide a starting point for any future research activity.

With regard to data transfer, there are issues that can limit the ease with which data can be transferred by schools to governments and other collection agencies. As noted below, some Independent schools are limited by technology and lack of connectivity. The lack of a consistent privacy framework nationally also makes institutions wary about what is able to be shared and with whom.

The technological capability of a school is a core component of its ability to collect and collate data, and to transmit and store data efficiently. While many non-government schools and systems have access to adequate computer systems and internet access, some still do not. When a data collection is introduced by the Australian Government for schools, it is often the case that the Department of Education and Training will devise an option for 'low technology schools'. For example, for the Student Attendance collection, the department provides an on-line calculation tool for those schools unable to do the calculation themselves with their own systems. Many small and remote Independent schools fall into this category.

This lack of technological currency impacts on the ability of these schools to adopt new practices or to undertake additional data reporting. For the Independent sector it is a significant impediment to the introduction of possible changes such as a Unique Student Identifier. Many schools would require assistance to implement such a change to their systems, and it is possible that for a subset of Independent schools, such a change would not be possible without a significant financial investment by government(s).

Unlike school systems, Independent schools require a greater lead time to ensure that all the necessary processes are ready and that staff are trained in what is required. Independent schools in smaller jurisdictions are often frequently involved in testing, survey and data collections and this has been particularly exacerbated by the increasing trend to report by sector at the national level.

Independent schools particularly are often oversampled in order to generate statistically significant results at the sector level and this leads to a significant burden on schools. Reporting by sector should only be conducted where there has been prior agreement for this to occur and if there is meaningful educational value for all schools - not just because the data is available to report by this disaggregation.

Final comments

In the current climate of public awareness of data collection and use, there is a level of concern around the purposes for which data is used. To ensure there is level of trust there needs to be a data strategy that is transparent for those from whom the data is being collected. Using information, particularly personal information, for secondary purposes is causing growing interest and concern for parents. This may impact on the levels of information and consent provided by parents at their children's schools.

While the sector understands the benefits of sharing information this needs to be tempered with the current lack of clarity around how this information may be used and why this may be beneficial to schools and their communities. Independent schools, covered under the Commonwealth Privacy Act 1988, have an expectation that governments and their agencies adhere to the framework of principles to safeguard their information.

This also includes safeguarding information against the significant risk of data breaches which may be associated with greater access and use of data. This requires appropriate and consistent notifications and contingencies in place to address this, particularly with the increasing use of cloud-based products for the storage of information.

There are also significant concerns regarding the varying technological capabilities of individual schools in the Independent sector to meet any new or increased data requirements. The provision of student-level data for example is currently not possible for the Independent sector. In the absence of significant support for low-technology schools, it will continue to be unachievable for the foreseeable future.

Finally, with the push for the greater use of de-identified data to address privacy concerns there needs to be a consistent standard of de-identification to ensure that it is the most effective in preventing the risks with possible re-identification of data. ISCA notes that the Office of the Australian Information Commissioner is conducting workshops to develop guidelines around this matter.