



Department of
Education

Shaping the future

Information Statement

Department of Education

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Introduction

This Information Statement is provided in accordance with the requirements of sections 96 and 97 of the *Freedom of Information Act 1992 (WA)* (FOI Act). The purpose of the Information Statement is to ensure that information concerning the structure and functions of the Department of Education (Department), and types of documents held by the Department are available to the public.

This document contains information about the Department's operations, the kinds of documents it holds and the procedures for accessing them, including how to make a freedom of information (FOI) application form.

About us

Our responsibilities

The Department is responsible for the provision of public education in Western Australia, as well as the regulation of funding of Catholic and independent schools. The Department undertakes its responsibilities to all schools, systems and sectors with diligence, integrity, and is impartial in its role as a regulator and funder.

The Department aims to deliver a high-quality education to all students in all learning environments and is committed to students achieving their best and being lifelong learners who contribute actively to their communities and to society. The [Strategic Directions](#) detail our approach to deliver public school education.

Operational structure

The Minister for Education is Hon Dr Tony Buti MLA. The Department is also responsible to Hon Sabine Winton MLA, Minister for Early Childhood Education, on strategic matters relating to early childhood education and Hon David Templeman MLA, Minister for International Education, on strategic matters relating to international education.

The accountable authority is Mr Jay Peckitt, Director General, Department of Education.

The Department provides staff, facilities and resources to the following entities created under legislation enacted by the Western Australian Parliament or by ministerial administrative action:

- Non-Government Schools Planning Advisory Panel
- Non-Government School Registration Advisory Panel
- [Rural and Remote Education Advisory Council](#)
- [School Curriculum and Standards Authority](#)
- [Teacher Registration Board of Western Australia](#)

Services

1. Public primary education
2. Public secondary education
3. Regulation and non-Government sector assistance
4. Support to the School Curriculum and Standards Authority

Organisational structure and functions

A full outline of the Department's structure, functions and organisational chart is available via the [Department of Education Annual Report](#).

Communications

- Strategic communications advice
- Advertising, digital and marketing campaigns
- Digital content strategy
- Media management and crisis communications
- Internal communications
- Events and awards

Education Business Services

- Strategic and operational financial management
- Public and non-government school funding
- Payroll and information management
- Land, property and fleet management
- Commercial and community services contracting and procurement processes
- Capital works and maintenance programs
- Strategic asset planning, environmental services, and security and emergency management
- ICT planning, governance, build, cybersecurity and support services

Professional Standards and Conduct

- Management of employee conduct and disciplinary matters
- Investigation of breaches of discipline
- Incident reviews
- Internal audit and risk management
- Criminal history screening
- Monitoring compliance with Working with Children legislation
- Management of legislative requirements to notify prescribed oversight agencies
- Advice on legal matters, including legislation, litigation, negligence and discrimination
- Specialist advice to schools, parents and carers about complaint management processes and complaint resolution

Schools

- Leadership in regions
- Residential colleges
- Agricultural education
- Operational initiatives
- Incident support
- School information system replacement

School Curriculum and Standards

- Secretariat services and support to the School Curriculum and Standards Authority

Strategy and policy

- Ministerial services and support
- Strategy policy
- Agency commissioning plan
- Intergovernmental relations
- System and school performance, student assessment and reporting

- Higher education
- International education in public schools
- Public schools planning
- Non-government school registration and regulation
- Public school accountability

Student Achievement

- Delivery of the Department's strategic and operational objectives
- Principal professional reviews

Statewide Services

- Support and services for students and schools in curriculum, student behaviour and wellbeing, inclusive education, literacy and numeracy, and pathways
- Online learning, including contemporary teaching and learning technologies and systems
- Support for schools to meet the needs and aspirations of Aboriginal students
- Policy and strategic planning in early childhood education
- Community services commissioning, and relationship and contract management
- Professional learning for school staff

Workforce

- Human resource consultancy services
- Attraction, recruitment and retention programs
- Workforce strategic policy
- Industrial relations matters
- Employee support services
- Work health, safety and wellbeing

Teacher Registration

- Secretariat services and support to the Teacher Registration Board of Western Australia

Public participation in the formulation of policy and performance of agency functions

The enabling legislation is the *Public Sector Management Act 1994* (WA) in which the Department of Education is established under section 35; and the *School Education Act 1999* (WA) (except Part 4 and other provisions which apply to non-Government schools).

The *School Education Act 1999* (WA) and the *School Education Regulations 2000* (WA) provide for councils representing parents, caregivers and local communities to take a significant role in the governance of all government schools. There are also Aboriginal Student Support and Parent Awareness committees that represent the specific needs of the Aboriginal people.

Many of the Department's policies impact members of the community, including the location of new schools, school closures, amalgamations of schools, homework, school fees, uniforms and school boundaries. Individual schools may have a range of groups working in the school. Membership and other information about these groups may be obtained by contacting the school directly. School contact information is available via [Schools Online](#).

All policies are available on the Department's [website](#), which also contains procedures, guidelines and links to relevant legislation.

Documents held by the Department

Department records relating to administration, schools, students and staff are maintained in paper and/or electronic forms across central office, education regional offices and schools.

Administrative records held by the Department include those relating to Aboriginal education, community relations, compensation, contracting, curriculum, early childhood, education delivery, equipment and stores, establishment, financial management, fleet management, government relations, industrial relations, information management, land and property management, legal services, occupational health and safety, personnel, publication, school management, staff development, strategic management, student management, technology and telecommunications, and vocational education and training. The Department also maintains Library facilities in its central office.

School records

[Schools Online](#) is a directory of all public schools in Western Australia. The public can access a range of information about each school including school annual reports, student results and details of local-intake areas for student enrolments.

Student records

Student records held in schools include children's progress reports, attendance, academic, discipline, behaviour records, health and enrolment. All student records are the property of the Department. In accordance with the *State Records Act 2000*, student records have a retention period of 25 years, however student records are currently subject to the disposal freeze on child-related records.

Royal Commission

On 12 November 2012 Prime Minister, the Hon Julia Gillard MP, announced a *Royal Commission into Institutional Responses to Child Sexual Abuse in Australia* (the Royal Commission). One of the key recommendations of this Royal Commission was to impose a freeze on the disposal of records relating to young people.

In line with the recommendations of the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse, the State Records Office of Western Australia (SROWA) has issued a [disposal freeze](#) on records documenting, or that may be relevant to, actual or alleged incidents of child sexual abuse. The disposal freeze overrides any pre-existing disposal authorisations given within retention and disposal schedules.

In addition to student records, schools may hold documents relating to administrative matters, building furnishing and maintenance, committees, community relations, curriculum, establishment (staffing), financial management, gardening, information technology, organisational development, and staff management and development.

Parents and guardians are entitled to access their children's school records unless a court of law has removed the right of access to such information. The educational welfare of children may require third parties to seek access to certain school-based information, such as student progress reports, to make informed decisions in respect of the children's education. In such cases, principals must be satisfied that the release of information is in the best interest of the child.

Documents held at schools which have been closed are managed by the Department's Corporate Information Services.

School records of state archival value are archived by the Department's Corporate Information Services branch and are retained permanently by the Department.

Personnel Files

The Department's Workforce division at central office is the custodian of employees' personnel files. Documents in these files, include details of leave and salary increments, transfer advice, employment contracts and general correspondence with the employee.

Strictly confidential information on individuals is held on relevant personnel sub files in the following categories:

- breach of standards
- EEO complaints
- grievances
- medical
- performance management
- personnel investigation
- recovery (salary)
- rehabilitation; redeployment
- teacher employment application
- worker's compensation

Employees have a right of access to their personnel file and do not need to make an application under FOI to inspect these records. A request for access can be made by contacting Workforce and arranging a suitable time to view the personnel file for centrally held files or the appropriate principal for personnel files held at school level.

However, an FOI application may be necessary for access to information held on personnel sub files. Initial contact should be made with the manager/principal of the relevant area/school to determine whether the requested information can be provided outside of FOI.

Complete the [Personnel File Viewing Request Form](#) to staffing@education.wa.edu.au.

Information Access

The Department captures and retains a large amount of information. To remain open and accountable to the public, the Department provides access to information and documents wherever possible via our website, or by means of:

- Direct Release
- Lawful Request
- Freedom of Information

Direct Release

Direct release allows the Department the release information outside of the Freedom of Information process, under s.241 of the *School Education Act 1999*. Students (including parents or guardians of a student under 16 years of age) have the right to request information from school(s) regarding their education. Information about the student's educational progress, attendance records, behaviour, and other school-related records can be accessed.

Direct release requests are free of charge and documents retrieved and provided via a direct release request may have third-party information redacted prior to the document being released to the applicant, including Department staff names and contact details.

Direct release requests are generally submitted by former or current students, or their representatives, seeking copies of their enrolment and attendance records, school academic reports, and/or school psychological records.

Direct release requests from current students can be processed directly by the school(s) holding the documents, while requests from former students are processed by the Information Access Team.

A direct release request may be submitted via the application form ([Former Student Application for Access to Documents](#)) which is available on the Department's website and emailed to foi.enquiries@education.wa.edu.au.

For access to school psychological records, please contact School Psychological Services Record Management Unit via SPSRMU@education.wa.edu.au. Please note, if the request is for additional records alongside school psychological records, then the direct release request should be submitted to the Information Access Team.

Lawful Request

This type of access request relates to the release of information in accordance with legislation which permits the agency to exchange information or produce documents without the consent of the person to whom the information relates, examples of such legislation are as follows:

- *Children and Community Services Act 2004*
- *Criminal Investigation Act 2006*
- *District Court Rules 2005*
- *Family Court Act 1997*
- *Guardianship and Administration Act 1990*
- *Parliamentary Commissioner Act 1971*
- *Rules of Supreme Court 1971*

The Department also manages the release of information via subpoena, orders to produce or a lawful request from a government agency.

For further information regarding lawful requests, contact Legal Services by email legalservices@education.wa.edu.au, by telephone on (08) 9264 4052 or by mail at Legal Services, Department of Education, 151 Royal Street, EAST PERTH, WA, 6004.

Freedom of Information

The *Freedom of Information Act 1992* (FOI Act) provides the public with a right of access to documents held by WA Government agencies. Access to documents held by the Department enables the public to become aware of information held about them, and for the public to more effectively participate in governing the State.

The Department will, whenever possible, make information available to the public. However, the FOI Act can also allow the Department to refuse access to information or documents in certain circumstances. Such information is considered 'exempt' and includes, but is not limited to:

- documents containing information provided to the Department in confidence (for example, investigations)
- documents concerning law enforcement and public safety
- documents subject to legal professional privilege
- documents subject to secrecy provisions in other legislation
- documents containing information about the personal affairs of another person
- documents containing information about the business affairs of another person or organisation

An information access application submitted under the FOI Act must:

- be in writing
- give enough information so that the documents requested can be identified
- give an Australian address to which notices can be sent
- be lodged at the agency (any office) with application fee payable (if applicable – refer to *fees and charges* on page 9)

Describe clearly the documents you are requesting access to (include subject matter, date range, or any other information that would help identify the requested documents).

Lodge your application at:

Department of Education
Information Access Team
Corporate Information Services
151 Royal Street
EAST PERTH WA 6004
or

Via email at: FOI.Enquiries@education.wa.edu.au. An [application form](#) is available on the Department's website.

Applications for access to personal information will only be accepted from an individual or their authorised third-party representative (e.g. lawyer). A request from an authorised representative or third party must include a signed consent or authority from the applicant.

Members of the public may also submit a formal FOI application for documents held by the Department, which are non-personal and are not publicly available.

Fees and Charges

No fees or charges apply for a personal information access application or an application for amendment of personal information about an applicant.

Applications for other documents (i.e. non-personal information) require a \$30 application fee to be paid when the application is lodged with scope for other charges to be imposed as outlined below:

- \$30 per hour for staff time (or pro rata for part of an hour) for dealing with an application. Charges cannot be imposed for locating the documents within the scope of the request.
- \$30 per hour (or pro rata for part of an hour) for supervision by staff when access is given to view documents; or the time taken by staff to prepare a transcript from a tape or make photocopies.
- 20 cents per photocopy.
- Actual cost incurred for preparing a copy of a tape, film or computerised information, or arranging delivery or packaging and postage of information.
- In certain cases, applicants may be eligible for a reduction in fees and charges.

If you are unsure if your application is personal or non-personal, please contact us via email FOI.Enquiries@education.wa.edu.au or by telephone (08) 9264 4111.

Timeframe

The FOI Act provides a 45-calendar day timeframe to complete a valid application. If the application is extensive, complex or involves multiple documents, this timeframe may be extended by agreement between the Department and the applicant.

Notice of Decision

As soon as possible, or within 45-days, applicants will be provided with a notice of decision, which will include the following:

- Date of decision
- Name and designation of the officer who made the decision
- Reasons for type of access provided (i.e. full, edited, refused etc)
- Appeal process (review rights) regarding decision on access

Review Rights

If an FOI applicant is aggrieved by a decision of the Department, they may apply for an internal

review of that decision.

Internal Review

If you have received a decision under the Act, you can appeal against the decision regarding access to documents or the amendment of records within 30 days of receiving the Notice of Decision.

Your appeal will be considered within 15 days of being received by the Internal Reviewer. You can seek an internal review by contacting: -

Department of Education
Information Access Team
Corporate Information Services
151 Royal Street
EAST PERTH WA 6004

Or

Via email: FOI.Enquiries@education.wa.edu.au

External Review

If you are unsatisfied with the internal review decision, a further avenue of appeal is available via the Office of the Information Commissioner.

Appeals to the Information Commissioner must be made in writing and include an address in Australia and detail the part (or parts) of the decision for the Commissioner to review.

You can seek an external review by submitting your application to:

The Information Commissioner
Office of the Information Commissioner - Albert Facey House
469 Wellington Street
PERTH WA 6000

Telephone: (08) 6551 7888
Country Callers: 1800 621 244 (Toll free)
Facsimile: (08) 6551 7889
Email: mailto:info@foi.gov.au
Website: oic.wa.gov.au/en-au/

Amendment of Personal Information

The FOI Act also provides a right to amend personal information about the applicant in the Department's documents if the information is inaccurate, incomplete, out of date or misleading. The onus is on the applicant to satisfy the Department that information requires amendment.

Applications to amend personal information about the applicant must:

- be in writing
- give enough details to enable the document that contains the information to be identified
- give details of matters in relation to which the person believes the information is inaccurate, incomplete, out of date or misleading
- give the person's reasons for holding that belief
- give details of the amendment that the person wishes to have made
- give an address in Australia to which notices under this Act can be sent
- give any other information or details required under the regulations

The application must state whether the amendment is to be made by altering information, striking out or deleting information, inserting information, inserting a note in relation to the record, or in two or more of those ways.

Applicants will be provided with a notice of decision within 30-days, which will inform:

- the reasons for the decision
- the right of appeal or review
- the right to request that a notation be added to the document, disputing the accuracy of the information.

The Department cannot remove information or destroy a document unless the Information Commissioner has certified in writing that it is impracticable to retain the information or that, the prejudice or disadvantage to the FOI applicant of the continued existence of the information outweighs the public interest in maintaining a complete record of information.