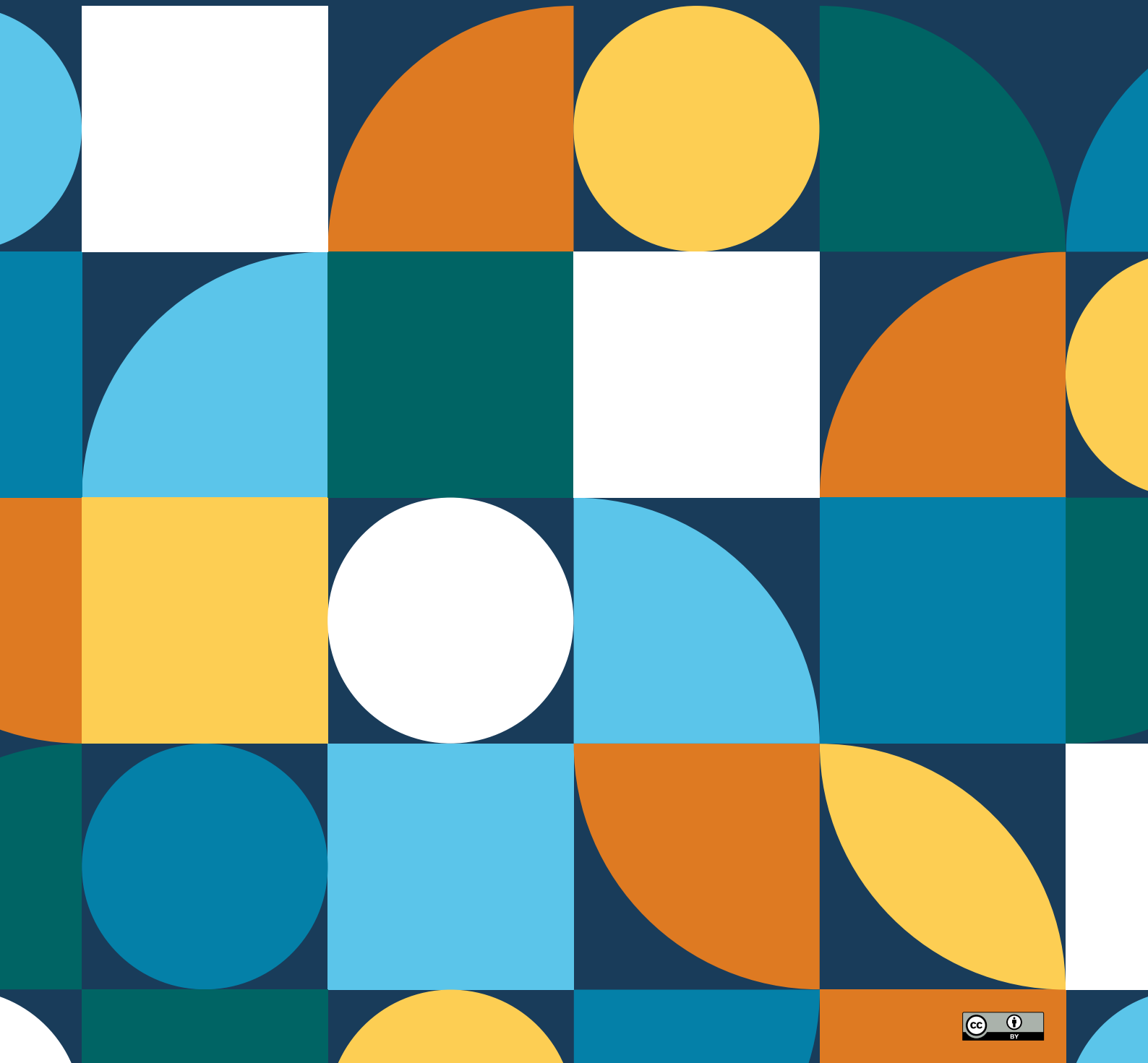
Department of Education

GOVERNMENT OF WESTERN AUSTRALIA

Learning changes lives

Information Statement



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Contents

Introduction 2

About us 2

Our responsibilities 2
Operational structure 2

Organisational structure and functions 3

Schools 3
People and Student Achievement 3
Education Business Services 4
Reform and Strategic Services 4
Strategy and policy 4
Professional Standards and Conduct 4
School Curriculum and Standards 5
Teacher Registration 5

Public participation in the formulation of policy and performance of agency functions 5

Documents held by the Department 6

School records 6
Student records 6
Royal Commission related records 6
Personnel Files 7

Information Access 8

Direct Release 8

Former Students 8
Current Students 8

Lawful Request 8
Freedom of Information 9

Types of applications 9
Submitting an application 9
Fees and Charges 10
Notice of Decision 10
Internal Review 10
External Review 10
Amendment of Personal Information 11

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 provide information concerning the structure and functions of the Department of Education (Department), and the types of documents held by the Department which 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 complete and make an access application under the FOI Act.

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 Sabine Winton MLA. The Minister for Education also holds the portfolio for Childhood Education, on strategic matters relating to early childhood education and Hon Dr Tony Buti MLA Minister for Tertiary and 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.

Schools

- Oversight of schooling operations across all public schools
- Direct support to principals to enable effective school operations aligned with local needs and system priorities
- Support for schools through:
  - influencing educational outcomes and attendance
  - incident support
  - delivery of localised and cross-agency initiatives
- Principal recruitment
- Key operational priorities and initiatives, including student participation, exclusions, enrolment matters and home education
- System-wide operational policy implementation
- Residential colleges
- Agricultural education
- School information system replacement
- Regional learning initiatives
- Delivery of the Regional Education Strategy
- Contractual arrangements with professional associations

People and Student Achievement

- Delivery of integrated strategic workforce, teaching, leadership and school review functions
- Principal professional reviews
- Public school reviews
- Support for schools in the areas of:
  - quality teaching
  - student wellbeing and engagement
  - cultural responsiveness
  - disability and inclusion
  - leadership
- Human resource services
- Attraction, recruitment and retention programs
- Workforce strategic policy
- Industrial relations matters
- Employee support services
- Work health, safety and wellbeing

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

Reform and Strategic Services

- Disability reform
- Ministerial services and support
- Program governance and project oversight
- Strategic projects and initiatives
- Higher education
- International education in public schools
- Strategic communications advice
- Advertising and marketing
- Media management and crisis communications
- Internal communications
- Events and awards

Strategy and policy

- Strategic policy
- Agency commissioning
- Intergovernmental relations
- System and school performance, student assessment and reporting
- Public schools planning
- Non-government school registration and regulation

Professional Standards and Conduct

- Management of employee conduct and disciplinary matters
- Investigation of breaches of discipline and reportable conduct
- Integrity education
- Incident reviews
- Internal audit and risk
- Policy governance
- 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

School Curriculum and Standards

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

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, regional education 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 these records are currently subject to the disposal freeze on child-related records.

Royal Commission related records

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/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 order has removed the right of access to such information or the child is 16 years or older and has not provided authority for their parent to access 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 retained permanently by the Department.

Personnel Files

The Department's People Services division at central office is the custodian of employees' personnel files. Documents within 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; and
- 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. Employees can complete the Personnel File Viewing Request Form and email to staffing@education.wa.edu.au to arrange a suitable time to view their personnel file for centrally held files.

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. Employees can contact the appropriate Principal for personnel files held at school level.

Information Access

The Department captures and retains a large amount of information in the course of its work. To remain open and accountable to the public, the Department will, whenever possible, make information proactively available to the public, including via our website.

The Department also provides access to information and documents under the following avenues:

- Direct Release under the *School Education Act 1999*
- Lawful Request e.g. Subpoena
- Freedom of Information under the *Freedom of Information Act 1992*

Direct Release

Direct Release (DR) allows former or current students and parents or guardians of a student under 16 years of age, to access information under s.242 of the *School Education Act 1999.* Information about the student's educational progress, attendance records and behaviour can generally be accessed.

DR requests are provided at no cost. Documents retrieved and provided via this process may have third-party information redacted prior to the document being released.

DR requests are submitted by students or their representatives. Written consent is required if the student is over 16 years of age at the date of application.

Former Students

Requests from former students are generally processed by Corporate Information Services. A DR request is submitted via an application form available on the Department's website. The completed form along with suitable identification and written consent if required, is emailed to foi.enquiries@education.wa.edu.au.

Current Students

Parents of current students can contact the relevant school directly for educational records. Where the request is for more than educational records, parents can contact Corporate Information Services by phone 9264 4111 or via email foi.enquiries@education.wa.edu.au for advice about the most appropriate avenue to access the requested records.

Lawful Request

A lawful request permits the Department to release documents without the consent of the person to whom the information relates.

The most common type of lawful request received by the Department is a subpoena via a Court. Lawful requests are processed under a variety of legislation including:

- *Children and Community Services Act 2004;*
- *Criminal Injuries Compensation Act 2003;*
- *Criminal Investigation Act 2006;*
- *Criminal Procedure Act 2004;*
- *District Court Rules 2005;*
- *Family Court Act 1997;*
- *Guardianship and Administration Act 1990;*

- *Parliamentary Commissioner Act 1971; and*
- *Rules of Supreme Court 1971.*

For further information regarding lawful requests, contact Information Access by email informationaccess.subpoenas@education.wa.edu.au.

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. It also enables individuals to access personal information and request amendments to inaccurate, incomplete, or misleading records.

The Department may refuse access to information or documents where that information or document is exempt under the FOI Act.

Information considered exempt includes but is not limited to information:

- provided to the Department in confidence (for example, investigations);
- concerning law enforcement and public safety;
- subject to legal professional privilege;
- about the personal affairs of another person; or
- about the business affairs of another person or organisation.

Types of applications

- Personal Information Only - applications for documents about the applicant or amendment to the applicant's personal information. Information that is not about the applicant will be removed.
- Non-personal – all other types of applications

If an applicant is unsure about the type of application to submit, contact Information Access via email FOI.Enquiries@education.wa.edu.au or by telephone (08) 9264 4111.

Submitting an application

The Department recommends the use of our Application Form available on the Department's website, to capture all the necessary information.

An access application must:

- be in writing;
- specify the type of application being made (personal/non-personal);
- give enough information to identify the requested documents;
- give an Australian mailing address;
- supply sufficient identification if seeking access to personal information;
- include payment of the application fee if applicable; and
- be lodged with the Department.

Applications can be lodged via email at: FOI.Enquiries@education.wa.edu.au or by mail:

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

Applications for access to *personal information only* will require provision of documentation to verify the applicant's identity. A request from an authorised representative or third party must include a signed consent or authority.

Fees and Charges

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

Applications for non-personal information, require a $30.00 application fee to be paid when the application is lodged. The Department does not currently impose charges for staff time spent dealing with an application.

Notice of Decision

The FOI Act provides that the Department has 45 calendar days from the date the application is validated to provide a Notice of Decision.

If the application is extensive, complex or involves multiple documents, this timeframe may be adjusted by agreement between the Department and the applicant or allowed by the Information Commissioner under section 13(4) or 13(5) of the FOI Act.

When the application is finalised, the applicant will be provided with a Notice of Decision, which includes:

- Date of the Decision;
- Name of the Decision Maker;
- Relevant access and/or exemptions applied (i.e. full, edited, refused etc); and
- Available review rights.

Internal Review

An applicant who is not satisfied with a decision made in response to their access application, can seek a review within 30 days of receiving the Notice of Decision.
The review will be considered within 15 days of being received.

External Review

An applicant who is not satisfied with a decision made in response to their internal review can seek a further review via the Office of the Information Commissioner.

External Review requests must be made in writing within 60 calendar days for access applicants or within 30 calendar days for third parties seeking a review. An external review is submitted to:

The Information Commissioner
Albert Facey House
469 Wellington Street
PERTH WA 6000

info@oic.wa.gov.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 must:

- be in writing;
- give enough details to allow the Department to locate the relevant document;
- give details of the information the applicant believes is inaccurate, incomplete, out of date or misleading;
- give the applicant's reasons for holding that belief;
- give details of the amendment that the applicant wishes to have made (alter, strike out or insert); and
- give a mailing address in Australia;

Applicants will be provided with a notice of decision within 30 calendar days, which will provide:

- the reasons for the decision;
- the relevant rights of review; and
- 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 relating to a personal information applicant unless the Information Commissioner authorises the action. The Information Commissioner may do this if it is impracticable to retain the information or that, the prejudice/ disadvantage to the applicant outweighs the public interest in maintaining a complete record of information.