



Department of
Education

Shaping the future

Information Statement

2021 - 2022

Contents

- Introduction.....3**
- Functions.....3**
- Policy and Performance4**
- Information Access4**
- Department Records8**

Introduction

This Information Statement contains an overview of the functions of the Department of Education ('the Department'), including a summary of how these functions affect members of the public, and also describes methods available for the public to obtain information held by the Department.

The Information Statement describes the types of documents that can be inspected, purchased or obtained with and without charge, and outlines the range of collated information available.

The Information Statement also provides an outline of the Freedom of Information (FOI) process including how to make an FOI application, and describes relevant information specific to the Department.

The Director General of the Department is the Principal Officer that has decision making responsibility relating to the release of information. The Director General has authorised directors, managers, principals and the Information Access team to make decisions on the release of information held by the Department.

Functions

The Department aims to deliver a high quality education to all students in all learning environments. We are committed to all students achieving their best and being lifelong learners who contribute actively to their communities and to society.

The Department has more than 800 schools in communities across our State – in bustling city and regional centres and in some of the most remote parts of the world. As the state's population grows, we are building new schools and developing state-of-the-art facilities which promote student learning. We are creating modern schools using the latest and emerging technologies.

As the largest public sector employer in the State, our people are our most valuable asset. We value the wealth of knowledge that people from different backgrounds bring to our schools and workplaces. We work with parents, carers, families and agencies to prepare students with the skills, understanding and values to reach their potential and make a positive contribution to society.

We have a role in influencing the education of all students in Western Australia and enact this in different ways in line with relevant legislation – directly through a system of public schools and indirectly through regulation and funding of Catholic and Independent schools. The Department's organisational structure is listed as Appendix 1 at the end of this statement.

Our strategic directions articulate the different approaches we adopt to achieve our objectives in the delivery of public school education. We provide staff, facilities and resources to a number of entities created under legislation enacted by the Western Australian Parliament or by Ministerial administrative action such as the following:

- Non-Government education services - Regulation, review and funding of non-government schools, and support of higher education.
- Rural and Remote Education Advisory Council - Providing advice to the Minister on education and training in rural and remote WA.

- School Curriculum and Standards Authority - Kindergarten to Year 12 curriculum, assessment, standards and reporting.
- Teacher Registration Board of Western Australia - Registration of all teachers, from early childhood to Year 12, who teach in WA.

Legislation

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

Accountable Authority

Our accountable authority is Ms Lisa Rodgers, Director General, Department of Education.

Policies and Guidelines

All department policies are available online on our [Policies](#) site which also contains strategic documents, guidelines and links to relevant legislation.

Policy and Performance

The School Education Act 1999 and the *School Education Regulations 2000* 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 to represent the specific needs of the Aboriginal people.

Many of the Department's policies affect members of the community, including the location of new schools, school closures, amalgamations of schools, homework, school fees, uniforms and school boundaries etc.

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 principal.

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 by means of:

- Freedom of Information
- Direct Release
- Lawful Request

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 retains and manages a large number of documents and whilst most may be accessible through an FOI application, others may be exempt and therefore not accessible.

Any personal information relating to a third party is often exempt, unless consent from that third party is obtained.

Although the Director General has authorised directors, managers and principals to make decisions on the release of information held by the Department, the processing of all FOI applications is carried out by the Information Access team.

How Do I Apply?

An 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 any application fee payable

You can 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 IKON (Internal) and the Department's website.

Who Can Apply?

Applications for personal information will only be accepted from an individual or their authorised third party representative (e.g. lawyer, solicitor investigator etc.). A request from an authorised representative or third party must include a signed consent or authority from the applicant on the representative's company letterhead or provide identification.

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 personal information or amendment of personal information about an applicant (e.g. details of employment etc).

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

- \$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 the Information Access Team via email FOI.Enquiries@education.wa.edu.au or by telephone (08) 9264 4564.

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

Once an application and documents have been processed, a 'Notice of Decision' is provided. The Notice contains the decision regarding whether access to documents has been provided. Decisions may consist of the following:

- Full access to all or some documents
- Edited access to all or some documents
- Refused access to all or some documents

Appealing a Decision

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 decision of the Internal Review, 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.

Your request must detail the part (or parts) of the decision you want the Commissioner to review, and should also provide a copy of the Notice of Decision sent to you by the Department following the internal review.

You can seek an external review by mailing 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/

Amending Personal Information

If you decide to lodge an application to correct or amend personal information, you must explain how and why you believe the information to be incorrect, incomplete, out of date or misleading and should include some information or evidence to establish that the information is inaccurate.

This application must be made in writing, stating how the change is to be made i.e. Altering, deleting, inserting or making a note in relation to information.

Direct Release

Direct release allows the Department the release personal and non-personal information outside of the Freedom of Information process, under the *School Education Act 1999*, Section 242 (1) (d).

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

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

Direct release requests from former students are processed by the Information Access team while direct release requests from existing students can be processed directly by the schools holding the records. The retrieved documents containing the personal information can be released to the applicant with a simple letter or email that becomes the record of decision.

Access to records via Direct Release can be submitted via the application form ([Former Student Application for Access to Documents](#)) which is available on the Department public website and should be submitted to the Information Access Team via email:

FOI.Enquiries@education.wa.edu.au

If an applicant is only seeking access to their school psychological records then the direct release request can be submitted to the School Psychological Services Record Management Unit via SPSRMU@education.wa.edu.au. However, if the request is for additional records alongside school psychological records then the direct release request should be submitted to the Information Access team.

Direct release also allows the Department to release elements of non-personal information on request, such as student statistics and financial data, outside of the Freedom of Information process. The request can be made directly to the directorate that holds the data,

however if an applicant is unsure which directorate hold the required data, the Record Management Help Desk within Corporate Information Services will provide advice and assistance regarding records that the Department hold. The Record Management Help Desk can be contacted on (08) 9264 4867 or recmanhd@education.wa.edu.au.

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 the Legal Services Branch by email legalservices@education.wa.edu.au, by telephone on (08) 9264 4052 or by mail at Legal Services Team, Department of Education, 151 Royal Street, EAST PERTH, WA, 6004.

Department Records

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.

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.

Freeze On Destruction of Child-Related Records (Royal Commission)

On 12 November 2012 the Prime Minister, the Hon Julia Gillard MP, announced the Australian's Government's intention to establish 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.

It is Department policy that parents be given access to 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 students' progress reports, in order 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.

Contact

The Record Management Help Desk within Corporate Information Services will provide advice and assistance regarding records that the Department hold and can be contacted on (08) 9264 4867 or recmanhd@education.wa.edu.au.

Personnel Files

The Staff Recruitment and Employment Services (SRES) in 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 their 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

Staff 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 SRES directly 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.

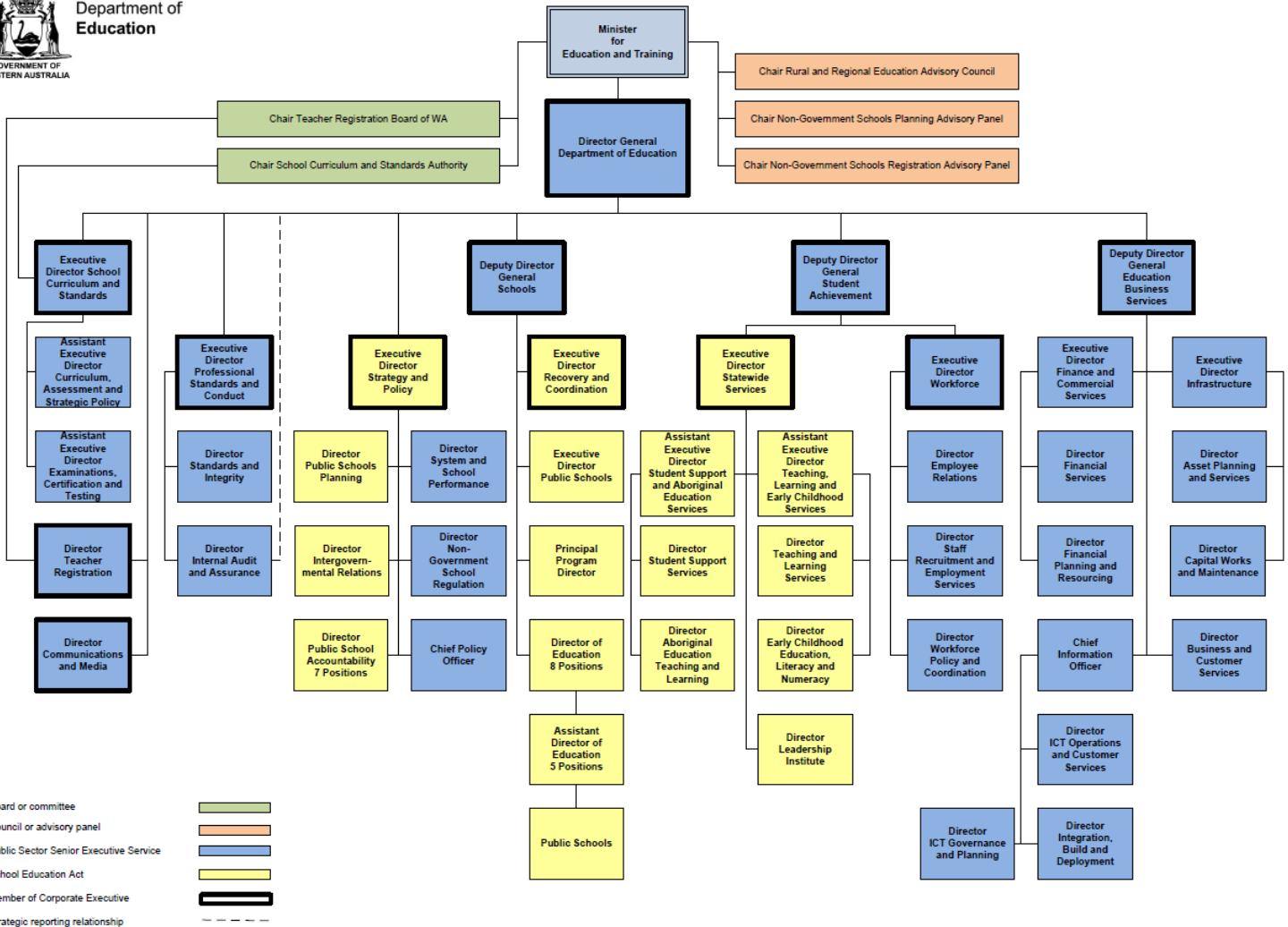
Contact

Staff Recruitment and Employment Services for personnel file viewing: (08) 9264 5562 or staffing@education.wa.edu.au

Appendix 1: Department of Education Organisational Structure



Department of Education



- Board or committee
- Council or advisory panel
- Public Sector Senior Executive Service
- School Education Act
- Member of Corporate Executive
- Strategic reporting relationship