

Fairness in Religions in School

2020 SRE Compliance Audit Annual Assurances & SRE Provider Websites

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1. Executive summary

1.1. Introduction

The Special Religious Education Procedures (the SRE Procedures)¹ state that Special Religious Education (SRE) providers must provide to the NSW Department of Education (the Department) an Annual Assurance form (see **Appendix 1**) which requires them [SRE providers] to

- declare they have procedures in place to ensure compliance with the requirements of the *Child Protection (Working with Children) Act 2012* including verification of the Working with Children Check (WWCC) clearance numbers of their instructors
- declare the curriculum scope and sequence(s) used in their lessons are available publicly online in sufficient detail for parents/caregiver to understand what is covered in SRE/SEE lessons
- declare that they have in place a complaints procedure which is publicly available on their website
- declare they have in place a system of authorised initial and ongoing training for their volunteer teachers that includes training in child protection and classroom management issues and that this information is published on their website.
- provide a website link to schools for them to then place it on their website for parents & careers to access the authorised SRE curriculum scope and sequence.
- provide direct links to their –
 - curriculum scope and sequence(s)
 - training information and authorisation processes
 - complaints handling procedures

The Assurance states –

Approved providers will lose their approved provider status if the responsibilities outlined in the annual assurance are not addressed. [p. 3]

Fairness in Religions in School (FIRIS) has audited the Annual Assurance forms of SRE providers submitted for the 2020 school year obtained via a request for information in accordance with the *Government Information (Public Access) Act 2009*.

The audit focused on the dates of submission of the Assurances and the information provided in 'Section 1' and 'Section 2' (as identified by FIRIS below) on page four of the Assurance.

¹ <https://education.nsw.gov.au/policy-library/associated-documents/REimplementproced.pdf> - accessed 17.02.2020.

I warrant to the Department of Education that I am authorised to make this declaration on behalf of _____ (Name of Provider), and I acknowledge that the department will rely on both the information I have provided and this warranty.

Provider Website home page:

Section 1

Direct link(s) to the providers page where the **Section 2**
 (1) authorised curriculum scope and sequence(s), (2) initial and ongoing training which includes the process to authorise an SRE or SEE teacher, and (3) the providers complaints handling procedures:

In order to assess the veracity of the information provided in the Assurances, FIRIS also audited all of the websites of the 104 approved SRE providers.

1.2. Findings

1.2.1. Compliance with submission date

The audit identified that, of the 100 Assurances provided by religious organisations and released to FIRIS by the Department, **18 were not submitted by the due date**, 28 January 2020. Dates of late submissions ranged from 29 January 2020 to 5 March 2020.

FIRIS could not find consistent and clear evidence that the failure of providers to fulfil their responsibility to lodge the Assurance by the due date resulted in the loss of approved provider status.

1.2.2. Compliance with the provision of information

In the section requesting the address of an SRE provider's website home page—

- 72 providers correctly entered the address of their website home page
- 25 providers entered an address of an SRE related page elsewhere on their website, rather than their home page address.
- 3 providers did not enter a webpage address (as required).

However, regardless of what was, or was not, entered in section 1 of the Assurance, of the 97 providers FIRIS could audit completely, **only 43 providers entered information in section 2 which enabled access to their curriculum scope and sequences, training and complaints processes.**

In consideration of the number of SRE providers who failed to complete the Annual Assurance correctly, and, in consideration of the amendments made to the list of approved since the 12 February 2020, FIRIS does not see evidence that the Department holds SRE providers accountable for not completing the Assurance correctly or for failing to fulfill their obligations as outlined in the SRE Procedures.

1.3. Comment

With regards to SRE providers, FIRIS believes that the failure of so many providers to complete the Assurance correctly and to fulfil their obligations outlined in the SRE Procedures demonstrates either a lack of willingness or an inability to follow simple procedures. In either case, it **calls into question their ability to comply with child protection legislation.**

The seeming lack of action taken by the NSW Department of Education in response to –

- failure to submit an Assurance by the due date
- incorrect completion of the Assurance
- failure to comply with the simple requirements of the SRE Procedures

– is evidence **the annual assurance process is an ineffective and thus inadequate risk management strategy which exposes students to an unreasonable and intolerable risk of abuse and subsequent harm.**

FIRIS believes that a review of the provisions for SRE in the *NSW Education Act 1990* should be commissioned and undertaken to determine whether those provisions meet contemporary community and government expectations, particularly in relation to matters relating to child wellbeing, protection, and safety.

2. 2020 Annual Assurance

2.1. Requirements

The Special Religious Education Procedures (the SRE Procedures)² state that Special Religious Education (SRE) providers must provide to the NSW Department of Education (the Department) an Annual Assurance form (see **Appendix 1**) which requires them [SRE providers] to

- declare they have procedures in place to ensure compliance with the requirements of the *Child Protection (Working with Children) Act 2012* including verification of the Working with Children Check (WWCC) clearance numbers of their instructors
- declare the curriculum scope and sequence(s) used in their lessons are available publicly online in sufficient detail for parents/caregiver to understand what is covered in SRE/SEE lessons
- declare that they have in place a complaints procedure which is publicly available on their website
- declare they have in place a system of authorised initial and ongoing training for their volunteer teachers that includes training in child protection and classroom management issues and that this information is published on their website.
- provide a website link to schools for them to then place it on their website for parents & careers to access the authorised SRE curriculum scope and sequence.
- provide direct links to their –
 - curriculum scope and sequence(s)
 - training information and authorisation processes
 - complaints handling procedures

2.2. Audit findings

Fairness in Religions in School (FIRIS) has audited the *Annual Assurance of Providers of Special Religious Education and Special Education in Ethics 2020* (the Assurance) (see **Appendix 1**) of SRE providers submitted for the 2020 school year.

The Assurances to be audited were determined using the Department's list of approved SRE providers dated 12 February 2020 (see **Appendix 2**). At that time the Department listed 104 approved SRE providers. See Table 1 below for a breakdown of SRE providers by religious persuasion.

² <https://education.nsw.gov.au/policy-library/associated-documents/REimplementproced.pdf> - accessed 17.02.2020.

Baha'i	1
Buddhist	5
Christian	88
Hindu	4
Islamic	3
Jewish	1
Sikh	2
Total	104

Table 1: Approved SRE providers

The Assurances were provided to FIRIS following a successful application for the release of the information in accordance with the *Government Information (Public Access) Act 2009* (the GIPA Act). The Information Access Unit (IAU) of the Department provided FIRIS with copies of 101 Assurances provided by religious organisations.

One Assurance was from a religious organisation removed from the list of approved SRE providers on 28 June 2018. Given that this organisation was not on the list dated 12 February 2020, this organisation's Assurance was not included, leaving 100 Assurances in the audit.

2.2.1. Compliance with submission date

The first step in FIRIS' audit of the 2020 Assurances was to check if SRE providers had submitted their Assurances by the due date of 28 January 2020.

The audit identified that of the 100 Assurances provided by religious organisations **18 were not submitted by the due date**. Dates of late submissions ranged from 29 January 2020 to 5 March 2020.

It should be noted that the information provided by the Department's IAU did not include the Assurances of the following four religious organisations included in the list of approved SRE providers dated 12 February 2020 –

- Bathurst Evangelical Church
- Chinmaya Mission Australia
- Lighthouse Chapel International
- Australian Sikh Association Inc.

Given that the latest Assurance provided to FIRIS was dated 5 March 2020, FIRIS assumes that these four organisations had not submitted their Assurance by that date.

2.2.2. Compliance with the provision of information

The next step in FIRIS's audit was to see if SRE providers entered the information required to complete the following section on page 4 of the Assurance. Please note that the text and boxes in red below have been added by FIRIS.

I warrant to the Department of Education that I am authorised to make this declaration on behalf of _____ (Name of Provider), and I acknowledge that the department will rely on both the information I have provided and this warranty.	
Provider Website home page:	Section 1
Direct link(s) to the providers page where the	Section 2
(1) authorised curriculum scope and sequence(s), (2) initial and ongoing training which includes the process to authorise an SRE or SEE teacher, and (3) the providers complaints handling procedures:	

The provision of the information in section 2 is important because it is a declaration that a provider is fulfilling its obligations to students' parents and carers to provide information regarding its curriculum content, its training and instructor-authorisation processes, and its complaints processes.

2.2.2.1. Provider website home page information

In the section requesting the address of an SRE provider's home page of their website ('Section 1') the audit found the following responses on the 100 Assurances of SRE providers supplied by the Department –

- **72 providers correctly entered the address of their website home page**
- 25 providers entered an address of an SRE related page elsewhere on their website, rather than their home page address.
- 3 providers did not enter a webpage address.

2.2.2.2. Curriculum, training and complaint process information

In 'Section 2' SRE providers were required to provide direct links to the pages on their website where the following information was located–

1. the providers' authorised curriculum scope and sequence(s)
2. information about the providers' initial and ongoing training which includes the process to authorise an SRE instructor
3. the providers' complaint handling procedures.

Of the 100 Assurances of SRE providers supplied by the Department and included in the audit –

- **9 providers entered three direct links to their curriculum scope and sequence information, training and authorisation processes, and their complaints procedures.**

- 5 providers entered specific responses to at least two of the three requirements. Of these 5 providers
 - 2 providers entered 2 links, 1 link to their curriculum page where their curriculum scope and sequences could be accessed and 1 link to their SRE pages where information about their training, authorisation and complaints processes could be found.
 - 1 provided a link to their SRE page and a link to child protection information where the required information regarding training was **not** located. The required information was, however, found following the link to their SRE page also provided.
 - 1 provided a link to their SRE page and a link to an external training provider rather than to the required information regarding the provider's training and authorisation processes. The required information was, however, found following the link to their SRE page.
 - 1 provided 2 links to the websites of curriculum publishers and a link to their SRE page where information about its training, authorisation and complaints processes could be found.
- **40 providers entered a single address of an SRE related webpage elsewhere on their website.**
- 2 providers entered a single link to other pages on their website where the required information could **not** be found.
- **41 providers *left the section blank or failed to provide a URL***
- 3 providers could not be audited because the information submitted by these providers were not included in full in the information provided by the Department's IAU.

3. Audit of SRE providers' websites

In order to determine whether the providers' responses in section 2 of their Assurances fulfilled the requirements stated in the SRE Procedures, an audit of each SRE provider's website was necessary. Therefore, between 31 January 2020 and 01 March 2020 FIRIS conducted an audit of the websites of approved SRE providers. The audit was then repeated between 21 March 2020 and 13 April 2020 during the auditing of the Assurances provided to FIRIS by the Department. The findings were checked again on 4 May 2020.

The list of providers used in the abovementioned audits of SRE providers' websites was obtained from the Department's list of approved SRE providers dated 12 February 2020 (see **Appendix 2**).

3.1. Audit findings

3.1.1. Links to curriculum scope and sequences

3.1.1.1. Criteria

The SRE Procedures state that SRE providers *must* make their curriculum scope and sequence(s) accessible on their websites in sufficient detail for parents/caregivers and schools to be able to understand what is covered in SRE lessons.³

The *Annual assurance of providers of Special Religious Education and Special Education in Ethics 2020* states –

Approved providers are required to provide online access to their authorised age-appropriate curriculum scope and sequence and ensure SRE and SEE teachers are teaching the curriculum with sensitivity and in an age appropriate manner. The curriculum scope and sequence must be provided in sufficient detail for parents/caregiver to understand what is covered in SRE/SEE lessons. Providers must provide a website link to the school to where the authorised curriculum scope and sequence can be found to enable schools to place the link on their website.

FIRIS deemed SRE providers compliant if their curriculum scope and sequences were found following the link provided on their website.

It must be noted that providers were deemed compliant despite the difficulty encountered to find their curriculum scope and sequences. The steps required to locate the information using the link supplied by SRE providers are documented in Appendices 6 and 7 which contain the detailed findings of the audit.

³ *Special Religious Education Procedures* (Last revised: 10 January 2019), Section 4.3, p. 8 - <https://education.nsw.gov.au/policy-library/associated-documents/REimplementproced.pdf>

3.1.1.2. Findings

The audit identified 383 links across the websites of the 104 SRE providers which were referred to by providers as links to the scope and sequences of their authorised curricula.

The table below contains the quantitative findings of FIRIS' audit.

Direct link to scope and sequence document	125	32.6%
1 step required to located scope and sequence document	118	30.8%
2 steps required to located scope and sequence document	43	11.2%
3 steps required to located scope and sequence document	4	1%
4 steps required to located scope and sequence document	9	2.3%
5 steps required to located scope and sequence document	7	1.8%
Scope and sequence not found using link provided	7	1.8%
Unable to identify/determine scope and sequence using link provided	8	2.1%
Link not working / Page not found	43	11.2%
Link to out-of-date information	3	0.8%
Link to curriculum related information rather than scope and sequence	13	3.4%
Link to third party	3	0.8%

Two providers did not include a link to two curricula mentioned on their websites.

The audit identified 120 scope and sequence documents. Of these 120 documents –

- 69 were developed for primary schools
- 50 were developed for secondary schools
- 1 was developed for a central school.

It must also be noted that providers were deemed compliant despite the possibility their scope and sequences did not meet the requirement that they be provided with sufficient detail for parents/caregivers to understand what is covered in SRE lessons.

See **Appendix 4** for examples of scope and sequences found during the audit.

3.1.2. Links to SRE training and instructor/facilitator authorisation processes

3.1.2.1. Criteria

The SRE and SEE Procedures state

*Approved providers are required to have in place a **system of authorised initial training, regular ongoing training and support**, including mentoring for their SRE teachers. The training is to include child protection, classroom management, and how to implement the approved provider's authorised curriculum sensitively and in an age-appropriate manner. **This information is to be published on the approved provider's website.**⁴ (emphasis added)*

The *Annual assurance of providers of Special Religious Education and Special Education in Ethics 2020* states –

Providers are required to have in place a system of authorised initial and ongoing training for their volunteer teachers that include training in child protection and classroom management issues. This information is to be published on the provider's website.

Given the difficulty in determining exactly what the Department required of SRE providers — apart from simply mentioning that their training includes sessions on child protection, classroom management, and how to implement the approved provider's authorised curriculum sensitively and in an age-appropriate manner — FIRIS deemed SRE providers compliant if their website mentioned, in any way, their training processes.

3.1.2.2. Findings

100 providers included information about their training processes on their websites. The information provided ranged from the following examples –

Authorisation, initial training and ongoing training in teaching methods, classroom management, is provided through: <https://nswactbaptists.org.au/baptistsre/>

– and –

SRE approved providers ensure that all SRE teachers have access to basic training standards. The basic training includes context, knowledge of authorised curriculum, classroom management and the importance of continued professional learning.

– and –

Approved teachers of SRE...have been trained and receive regular ongoing training in classroom management strategies, understanding the authorised curriculum, delivering the curriculum with sensitivity and age-appropriate activities and using classroom technology.

⁴ Special Religious Education Procedures (Last revised: 10 January 2019), Section 4.2, p. 7 - <https://education.nsw.gov.au/policy-library/associated-documents/REimplementproced.pdf>

– to the inclusion by seven providers of training related documents, developed by All Faiths SRE and the Inter-Church Commission of Religious Education in Schools (NSW) Inc. (ICCOREIS), titled –

- Teacher Basic Training
- Teachers Manual
- Teacher Authorisation
- SRE Teacher Audit Process

Three providers did not include the necessary information, and, of these three providers –

- One provider included a link which when followed returned an error message.
- One provider did not include the necessary information on their website.
- One made only the following misleading statement –

To become a volunteer teacher, one must meet the requirements of Department of Education and Training.

NOTE: The SRE Procedures state very clearly that it is the responsibility of an approved provider to recruit, train and authorise sufficient teachers of SRE. The Department's only requirement which it has control over is that an SRE instructor cannot be on the Department's Not-to-be-Employed database.

One SRE provider's website had expired.

3.1.3. Links to complaint processes

3.1.3.1. Criteria

The SRE Procedures state that –

*Approved providers must make publicly available on their website their complaints procedures.*⁵

The Assurance states –

Approved providers are required to have in place a complaints procedure which includes a resolution within a reasonable timeframe. The complaints procedure must be publicly available on the provider's websites.

⁵ Special Religious Education Procedures (Last revised: 10 January 2019), Section 4.4, p. 8 - <https://education.nsw.gov.au/policy-library/associated-documents/REimplementproced.pdf>

Special Education in Ethics Procedures (Last revised: 10 January 2019), Section 4.4, p. 8 - <https://policies.education.nsw.gov.au/policy-library/associated-documents/SEEimplementproced.pdf>

FIRIS deemed SRE providers compliant if they –

- provided a link to their complaints procedure
and/or
- provided a link to a flowchart outlining their complaints process
and/or
- described or mentioned their complaints process.

3.1.3.2. Findings

96 providers included information about managing complaints on their websites. The information provided ranged from –

*We are keen to hear any feedback or complaint about any aspect of our SRE teaching.
Please fill out the form [here](#) and email it to...or post to...*

– or –

*Do you have any concerns or issues you would like to report to us? We are here to help.
Please fill the form and we will get in contact with you as soon as we can.*

– to 30 providers including links to the *Complaints Policies and Procedures* (including flowchart) and to the *Approved Provider Complaint Form* developed by All Faiths SRE and ICCOREIS.

7 providers did not include any information on their website about their complaints processes and did not provided a link to their complaints process, flowchart or form.

One SRE provider's website had expired.

4. Analysis of audits

FIRIS' analysis of the results of both audits focused on quantifying compliance rates with the Department's simple requirements for SRE providers in order to assess the value and robustness of the Annual Assurance process as a risk control measure.

4.1. Responsibility and accountability

The Assurance states –

Approved providers will lose their approved provider status if the responsibilities outlined in the annual assurance are not addressed. [p. 3]

Therefore, FIRIS attempted to identify if late submissions of Assurances or the failure to fill them in correctly or the provision of false or misleading information has resulted in the loss of approved provider status in 2020.

4.1.1. Late submissions of Assurances

Assuming that failure to submit an Assurance is grounds for loss of approved provider status, it needs to be noted that only one of the four SRE providers whose Assurance was not provided to FIRIS by the Department, has been removed from the list of approved providers.

Lighthouse Chapel International Church was removed from the approved provider list on 2 March 2020. However, FIRIS cannot say whether the removal of the church was due to the apparent failure of the church to submit an Assurance by this date. It should be noted that three other SRE providers were removed on the same day but, unlike Lighthouse Chapel International Church, they were returned to the list three days later on 5 March 2020. These providers were –

- Fellowship of Congregational Churches – Assurance dated 28 January 2020.
- The Saiva Manram – Assurance dated 2 February 2020.
- Cornerstone Baptist Church – Assurance dated 5 March 2020.

Although Cornerstone Baptist Church was returned to the list on the same day as the dating of its Assurance, FIRIS is once again uncertain if the church's return to the list was in response to the submission of the Assurance given that the other two organisations listed above had submitted their Assurances on, or not long after, the due date.

Furthermore, the 16 other providers who submitted their Assurances after the due date, including one who submitted their assurance on 28 February 2020, remained on the list of approved providers after 29 January 2020.

Finding

FIRIS could not find consistent and clear evidence that the failure of providers to fulfil their responsibility to lodge the Assurance by the due date resulted in the loss of approved provider status.

4.1.2. Correct completion of Assurances

Ideally, an Assurance which has been completed correctly would contain –

- the link to the provider's home page on their website in section 1 of the Assurance
- three separate and specific links to the provider's curriculum, training and complaints process information in section 2 of the Assurance, and
- links in section 2 which, when followed, enable parents and carers to find the information required by the SRE Procedures on the websites of SRE providers regarding curriculum scope and sequences, and training and complaints process information.

However, as shown above, the information provided in the Assurances is quite varied and the compliance with the requirements of the SRE procedures regarding the provision of information on SRE providers' websites needs significant improvement.

The **first step** in this analysis will be to consider the providers who entered the correct information in section 1 of the Assurance. The analysis will then look at what these providers entered in section 2 of the Assurance and whether the information provided in section 2 was valid.

Of the 100 Assurances provided to FIRIS by the Department, **72 providers entered the address of the home page of their website in section 1** as requested by the Department. Of these 72 providers –

- 7 providers entered the link to the homepage of their website in section 1 *and* entered three specific links to their curriculum, training and complaints process information in section 2 of the Assurance as requested by the Department. Of these 7 providers, **only 4 had the required information on their websites regarding their curriculum scope and sequences, training information and complaints process information as required by the Department.**
- 39 providers entered a single link to an SRE related page on their websites in section 2 of the Assurance. FIRIS understands the reasoning in doing so if all of the required information is on the one page. However, of these 39 providers, **only 22 had all of the required information on their websites which enabled access to their curriculum scope and sequences, training and complaints processes as required by the Department.**

Of the 17 remaining providers who entered a single link to an SRE related page on their websites in section 2 of the Assurance –

- 15 providers failed to meet the requirements regarding the provision of links enabling parents/carers to have access to their curriculum scope and sequences. However, they did meet the requirements of providing links to their training and complaints process information.
 - 2 providers failed to meet the requirements regarding the provision of links to their curriculum scope and sequences and their complaints procedures. However, they did meet the requirements of providing access to their training information.
- 19 providers did not enter a link in section 2 of the Assurance. If it is assumed that these providers thought that the link they entered in section 1 covered both sections 1 and 2, it needs to be noted that of these 19 providers, **only 1 had the required information on their homepage enabling parents and carers to read and learn about their curriculum scope and sequences, training and complaints processes as required by the Department.**
 - 3 providers entered two or three links in section 2. Of these 3 providers, **only 1 provided links which enabled parents and carers to find the provider's curriculum scope and sequences, and information about the provider's training and complaints processes as required by the Department.**
 - 1 provider entered the link to their homepage in section 2 where the required information was not located.
 - 1 provider entered a link to a page on their website where the required information was not located.
 - 2 providers could not be audited because the information for section 2 was not provided by the Department's IAU.

Finding

Of the 72 providers who entered the address of the home page of their website in section 1 of the Assurance, **only 4 completed the Assurance correctly** by providing in section 2 three separate links to where the required information regarding the approved curriculum, and training and complaints processes could be found on their websites.

If alternative responses in section 2 are accepted, of the 72 providers who entered the address of the home page of their website in section 1 of the Assurance, **an additional 24 providers can be considered as having completed the Assurance satisfactorily.**

The **second step** in the analysis was to consider the providers who entered alternative information in section 1 of the Assurance. Despite this meaning the Assurance had not been not completed correctly, the analysis considered what these providers entered in section 2 of the Assurance, and whether the information provided in section 2 was valid.

Of the 100 Assurances provided to FIRIS by the Department, **25 providers entered a link to an SRE-related page elsewhere on their website in section 1** rather than a link to the homepage of their website.

Of these 25 providers,

- 21 did not enter a link in section 2 of the Assurance. Of these 21 providers, **only 11 had all of the required information at the address provided which enabled access to their curriculum scope and sequences, training and complaints processes as required by the Department.**
- 1 entered the same link to the SRE-related page on their website in section 2. This page **had all of the required information which enabled access to their curriculum scope and sequences, training and complaints processes as required by the Department.**
- 2 entered specific links to their curriculum, training and complaints information in section 2. **These links enabled access to their curriculum scope and sequences, training and complaints processes as required by the Department.**
- 1 provider could not be audited because the information for section 2 was not provided by the Department's IAU.

Finding

Of the 25 providers who entered information other than the link to the homepage of their website in Section 1 of the Assurance, **14 provided information in section 2 which enabled access to their curriculum scope and sequences, training and complaints processes as required by the Department.**

1 provider could not be audited because the information for section 2 was not provided by the Department's IAU.

The **third step** in the analysis was to consider the providers who did not provide a link in section 1 of the Assurance. Despite, the fact that this also meant that the Assurance was not completed correctly, the analysis considered what these providers entered in section 2 of the Assurance and whether the information provided in section 2 was valid.

Of the 100 Assurances provided to FIRIS by the Department, **3 providers did not provide a link in section 1 of the Assurance**, including one who wrote their name as found on the Department's list of approved providers, another who wrote 'Being updated tbc' and another who entered the information required in 'Section 2' above).

Of these 3 providers –

- 1 provided a link to an SRE-related page and a link to an external training provider rather than to the required information regarding the provider’s training and authorisation processes in section 2. However, although the required training information was found following the link to their SRE page, the SRE page did not include links which enabled access to the provider’s curriculum scope and sequence documents.
- 1 entered the required three direct links to their curriculum scope and sequence information, training and authorisation processes, and their complaints procedures in section 2. **These links enabled access to their curriculum scope and sequences, training and complaints processes as required by the Department.**
- 1 was removed from the list of approved SRE providers on 18 March 2020.

Finding

Of the 3 providers who did not enter a link in Section 1 of the Assurance, **only 1 provided information in section 2 which enabled access to their curriculum scope and sequences, training and complaints processes as required by the Department.**

Summary Finding

Regardless of what was entered in section 1 of the Assurance, of the 97 providers FIRIS could audit completely, **only 43 providers entered information in section 2 which enabled access to their curriculum scope and sequences, training and complaints processes as required by the Department.**

The **final fourth step** in the analysis was to see if any of the SRE providers who did not complete the Assurance correctly, including failing to ensure the links provided in section 2 enabled access to the information required by the Department, had their approval to provide SRE revoked.

According to FIRIS’ monitoring records there have been five versions of the list of approved SRE providers since the 12 February 2020.

As already stated above, on 2 March 2020 the following providers were removed from the list of approved SRE providers –

- Lighthouse Chapel International
- Cornerstone Baptist Church
- Fellowship of Congregational Churches
- The Saiva Manram

On 5 March 2020, Cornerstone Baptist Church, the Fellowship of Congregational Churches and the Saiva Manram were returned to the list.

On 18 March 2020, Forest Alliance Church was removed from the list and Northern Beaches Alliance Church were added.

The list was stated to have been amended on 3 April 2020, however FIRIS could not identify any changes to the providers present on the list.

On 22 May 2020 Jet Australia Foundation was said to have been *returned* to the list (It should be noted that Jet Australia Foundation was removed from the list on 28 June 2018, not appearing on the list again until 22 May 2020).

FIRIS questions the integrity of the Department's maintenance of the list given that the Department has stated that Jet Australia Foundation were reinstated as an approved provider in 2019 and that they were regarded as an approved provider in April 2020.

FIRIS has already commented that the amendments made on 2 March 2020 do not provide consistent and clear evidence that the failure of providers to fulfil their responsibility to lodge the Assurance by the due date has resulted in the loss of approved provider status.

The only amendments to the list made since 12 February 2020 which can be possibly linked to the incorrect completion of the Assurance is the removal of Lighthouse Chapel International on 2 March 2020 and the removal of Forest Alliance Church on 18 March 2020. However, the reasons for the removal of these two organisations from the list is not known. It may be that their removal from the list was at the request of the providers rather than based on a decision of the Department.

Finding

In consideration of the number of SRE providers who failed to complete the Annual Assurance correctly, and in consideration of the amendments made to the list of approved since the 12 February 2020, FIRIS does not see evidence that the Department holds SRE providers to account for not completing the Assurance correctly or for failing to fulfill their obligations as outlined in the SRE Procedures.

5. Commentary

5.1. SRE Providers

The ongoing failure of many SRE providers to comply with the SRE Procedures in 2020 is of concern given that the 2015 review of SRE and SEE (conducted by ARTD Consultants at a cost of \$300,000) identified SRE as a self-regulating system and stated –

Self-regulation in public policy always involves rights and responsibilities...A closely related responsibility under self-regulation is transparency to parents, the Department, school communities and the wider public, through publication of important information and the provision of regular monitoring. (ARTD Final Report, p. 34)

and:

Given that authorisation processes are self-regulated, it is important that sufficient information about SRE curriculum is available for parents so they can decide for themselves if the values and teaching espoused by providers match their own values. (ARTD Review, pp. xx-xxi & p. 51)

The reviewers identified '**poor compliance across providers with making available to the public the curriculum scope and sequence and other resources used by them in SRE.**'

According to the reviewers, at the start of the review in December 2014 only '*just over one-third (39%) of providers had SRE curriculum information accessible on a website (their own or associated faith group)*'. (ARTD Review, pp. xx-xxi – data restated on p. 49)

In response to these findings the ARTD reviewers recommended that all providers place in the public domain their curriculum scope and sequence and that this be in sufficient detail for parents/caregivers and schools to be able to understand what is covered in SRE lessons.

The Department stated that a response to this recommendation was to be developed by its Consultative Committee for SRE (the Committee).

The Committee supported this recommendation and stated:

Most SRE Providers already comply with this condition of the Annual Assurance Letter to the NSW Department for Education. SRE Providers agree to post on their websites a direct link to the syllabus outlines of SRE Program(s) they authorise for use by their SRE Teachers.

However, this statement is questionable still in 2020, given that FIRIS' audit has identified that less than a third of the 383 supposed links to curriculum scope and sequences were direct links to the required information. Therefore, it is evident that far-too-many SRE providers cannot, or are not willing to, fulfil their obligations of transparency in a self-regulating system.

Of most concern, however, is that the failure of so many providers to complete the Assurance correctly and to fulfil their obligations outlined in the SRE Procedures calls into question their ability to comply with child protection legislation.

5.2. The Department of Education

Far more concerning than the failure of SRE providers to fulfil their simple obligations, is the seeming failure of the Department of Education to –

- ensure SRE providers complete the Assurance correctly
- verify the information contained in the Assurance
- hold SRE providers accountable for not completing the form correctly or not complying with the simple requirements of the SRE Procedures.

The Assurance is currently the sole means at the Department's disposal to check if providers are complying with child protection legislation. Previous audits have found that the Department has allowed religious organisations ongoing access to NSW Government school students for a whole school year despite them having not submitted an Annual Assurance for that year.

In June 2019 FIRIS complained to the NSW Office of the Children's Guardian (OCG) that –

The legislative restriction of the Department to a reliance on an 'annual assurance' from SRE providers that they have procedures in place to ensure compliance with the requirements of the Child Protection (Working with Children) Act 2012 is an inadequate, inappropriate and ineffective risk management strategy which exposes students to an unreasonable and intolerable risk of harm and abuse.

The OCG responded by stating, in response to FIRIS' finding that three providers had had access to NSW public school students in 2017 despite having not submitted an Assurance, that the OCG's Compliance Team would follow up with the Department to ensure that SRE providers are meeting their requirements under the *Child Protection (Working with Children) Act 2012* (WWC Act). However, the provisions for SRE in the *NSW Education Act 1990* leave the Department with no way to **ensure** SRE providers are complying with the WWC Act apart from relying on the word of providers. Therefore, in consideration of –

- the provisions for SRE in the *NSW Education Act 1990*, and
- the findings of this audit in relation to the completion of the Assurance by SRE providers, and
- the findings of this audit in relation to the fulfilling of 'obligations' outlined in the SRE Procedures, and
- the seeming lack of action taken by the Department in response to –
 - the failure to submit an Assurance by the due date
 - the incorrect completion of the Assurance
 - the failure to comply with the simple requirements of the SRE Procedures

– FIRIS continues to maintain that **the annual assurance process is an ineffective, inadequate, and inappropriate risk management strategy which exposes students to an unreasonable and intolerable risk of abuse and harm.**

In consideration of the above, FIRIS believes that it is time for a review of the provisions for SRE in the NSW Education Act 1990 to determine whether those provisions meets contemporary community and government expectations, particularly in relation to matters relating to child protection, safety and wellbeing.