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The AIS leadership team invites you to contact them on (02) 9299 2845 or via email to discuss any of the issues raised in this newsletter or other schooling matters.

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As the 'new federalism' under the COAG process is clearly a government to government arrangement, two key challenges confront the sector in this area as we move into 2010 and beyond. The first is to retain our direct relationship with the Commonwealth in all funding matters. The second is to negotiate an appropriate level of real input and representation in the policy reform agenda through governments.

Having input and representation will be particularly important in light of the ongoing and emerging issues for independent schools over the next year or two. These include the upcoming review of funding; the federal government's transparency agenda - particularly in the area of ICSEA data and income reporting; the Financial Health Assessment Framework; the expanding National Partnerships initiative; the Early Childhood agenda; fibre connection to schools; ACARA; and the new Australian Institute for Teaching and School Leadership (AITSL).

In relation to the review of funding, the Deputy Prime Minister has made a commitment that the independent sector will be consulted before the terms of reference and the process for the review are finalised.

Lastly, as we near the end of 2009, on behalf of all at the AIS I would like to thank our member schools for the wonderful support that we have received throughout the year. I hope the year finishes well and that in 2010 we are able to maintain the degree of independence that allows the sector to provide such a high quality of education.

Dr Geoff Newcombe
Executive Director

AIS Retirements

The AIS would like to announce the impending retirements of two senior staff members.

At the end of 2009 Grahame Wilson, Director of Risk and Compliance, will retire. In March 2010 Ray Whitfield, Manager of the AISNSW Block Grant Authority, will also be retiring.

In Grahame's five years with the AIS he has made a huge contribution in assisting independent schools to effectively manage their ever-increasing regulatory and compliance responsibilities. Under his guidance the AIS established high quality courses and procedures for dealing with child protection, OH&S and school safety and risk audits, among other areas.

Ray has worked for the AIS for more than 20 years and has been instrumental in the AISNSW Block Grant Authority being regarded as one of the best-managed and effective BGAs in the country. His extensive knowledge of Federal and State government policies and funding and his experience in liaising and negotiating with governments and bureaucrats will be a great loss.

Both Grahame and Ray have made outstanding contributions to the AIS and to independent schooling, both in NSW and nationally and they will be greatly missed. We wish them both a long, happy and healthy retirement.

Maree Townsend, currently Assistant Director of Risk and Compliance will succeed Grahame and David Buley, Director of Finance and Administration, will assume responsibility for the BGA.



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Executive Newsletter

November 2009

Dear Colleague,

As enrolments in non-government schools continue to increase, consideration needs to be given to the role of the non-government sector in the development of education reform policies. Since 1985 the non-government sector (independent sector and Catholic system) in Australia has grown by over 394,000 students while the government sector has grown by just over 33,000 students. In capital cities the non-government sector accounts for around 40% of enrolments, rising to nearly 50% at secondary level.

DEEWR enrolment projections show that nationally, by 2013, government school enrolments are estimated to grow by 1%, Catholic schools by 4% and independent schools by 13%. In NSW growth is projected at 1% in the government sector, 2% in the Catholic sector and 7% in the independent sector.

This growth in the non-government sector is clearly very significant - but not just in terms of student numbers. Not only do parents of children in the sector expect adequate government funding for their children to support their after-tax contribution to education, they are also entitled to be represented in terms of national education policy development.

However, under the new federalism arrangements in Australian education the opportunity for non-government sector involvement at the policy making level has actually decreased.

On the Council of Australian Governments' (COAG) website it states that the role of COAG is to *"initiate, develop and monitor the implementation of policy reforms that are of national significance and which require cooperative action by Australian governments"*.

An Intergovernmental Agreement provides a framework for the Commonwealth's financial relationship with the States and Territories and in education this is underpinned by a National Education Agreement (NEA). The NEA is operationalised through a council of Education Ministers (MCEECDYA) and a committee of Directors-General of Education (AEEYSOC).

The non-government sector has no formal representation, directly or indirectly, on either of these groups. It must be said that access to the Federal Minister by the sector's national peak body ISCA is very good and, locally, access by AISNSW to the NSW Minister and senior DET officials is also very good. However, this does not compensate for the fact that these sectors which represent over 34% (and growing) of all students in Australia effectively have little opportunity to contribute to crucial policy decisions and reforms.

Detailed papers from these committees are generally not available to the sector and while ministers and education bureaucrats may, at their discretion, acknowledge or put the sector's position at the various meetings, there is no opportunity for the sector to engage in debate and discussion.

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Leadership coaching for principals

A key focus in much of the literature on professional learning at the senior level explores the debate around the relative value of approaches such as coaching and mentoring. Valuing the expertise of current leaders and promoting ongoing professional growth for all, whether newly appointed or experienced, are central to the commitment to adopt an approach which is effective and sustainable. This is of course as relevant to the school setting as anywhere else.

It is also clear that contemporary workplaces are expected to meet the deeper life issue needs of their workers in what is referred to as 'emotionally intelligent' ways. School leaders will increasingly be expected to lead using approaches more aligned with the principles of coaching than in previous generations.

In his foundational work on workplace coaching, John Whitmore (2002) describes the essence of coaching as: *"unlocking a person's potential to maximise their own performance. It is helping them to learn rather than teaching them good coaching, and good mentoring for that matter, can and should take a performer beyond the limitations of the coach or mentor's knowledge"*.

The Independent Schools Leadership Centre's (ISLC) programs for principals include a strong component of coaching training and providing professional growth for both experienced principals and the newly appointed principals with whom they will work.

These ISLC programs were offered for the first time in 2009 and at their conclusion it was interesting to discuss and evaluate just how valuable the coaching elements of the program had been for all involved.

At the commencement of the programs the experienced principals had indicated a wide range of learnings and insights that they hoped to gain. These included:

- great confidence in helping others
- time to reflect on my own goals and achievements
- mentoring staff to help improve their goal setting and goal achievement
- learning more about having difficult conversations
- opportunity for reflection on my personal 'big ideas'
- greater insight into how to help others develop
- a better sense of my own areas of weakness / improvement
- consistent approach to working alongside people
- I want to listen more, and 'tell' less
- improve skills in order to work with Executive, in particular to develop them as a team
- to acquire skills to work with other principals – in the future
- I want to be able to 'lead from behind' better
- an increased ability to motivate and inspire staff

At the final session of the program, both groups of principals came together to explore how they could take the skills they had gained to make them part of their ongoing leadership style. They highlighted some of the following as their key learning benefits:

- being affirmed
- articulating and clarifying goals
- having opportunities to reflect on style
- facilitating others to be proactive
- networking internally and externally
- clarity of roles
- importance of time dedicated to purpose
- minimising isolation
- improving questioning techniques

- having the stimulus to find solutions from within self
- moving from goals to action
- techniques for drawing people 'out'
- incorporating Appreciative Inquiry techniques into communication style
- valuing telephone coaching as a supportive environment to learn.

The level of experience of the participants in both programs had a strong influence on the way in which they engaged with the programs. For those in the Newly Appointed Principals program, first year principals tended to lean more on the voice of experience that their experienced coaches could provide, while second year principals were more willing to rely on a purer coaching style.

The experienced coach principals all commented on how much more effective their blend of mentoring and coaching skills were as a result of their participation in the program, both in terms of supporting their less experienced partner and in relation to working with colleagues in their own school.

One of the participants in the Newly Appointed Principals program summed it up as follows:

"It worked really well because of our relationship – my coach's style really suited me and his experience as a head allowed him to ask me just the right questions. Undertaking the course in my second year was interesting too – it allowed me to be reflective at the end of my second year – thinking about how I started and the skills I had in place when I started."

Strong interest has been expressed already in the 2010 programs, and details can be found on the ISLC page at www.aisnsw.edu.au/leadership or by contacting Julie Thompson at the AIS.

Changes to disability discrimination laws

The *Disability Discrimination and Other Human Rights Legislation Amendment Act 2009*, which came into effect on 5th August 2009, has made a range of significant changes to federal discrimination laws including the *Disability Discrimination Act 1992 (DDA)*.

The main impetus for the changes to the DDA was the 2004 report of the Australian Productivity Commission's *Review of the Disability Discrimination Act 1992*, which recommended a range of changes to improve the operation of the DDA.

At a recent briefing attended by the AIS, the Australian Human Rights Commission (formerly the Human Rights and Equal Opportunity Commission (HREOC)) provided a summary of the changes and the following are those that have particular significance for schools:

Changes to the definition of disability:

- a disability that is otherwise covered by the DDA also includes behaviour that is a symptom or manifestation of the disability.
- the definition of disability now includes a genetic predisposition to a disability; that is, it is unlawful to discriminate against a person because of a pre-disposition to a disability.

Changes to the principal definition of indirect discrimination:

- 'proposed acts' of indirect discrimination are now included under the definition.
- the onus of proving that a requirement or condition 'has or is likely to have, the effect of disadvantaging persons with the disability' is on the individual.
- the burden of proving the 'reasonableness' of the requirement or condition rests with the school.

Introducing a 'positive duty' to make reasonable adjustments:

- a major 2009 amendment is to make 'explicit the positive duty to make reasonable adjustments for a person with disability'; this obligation for education providers was imposed with the Disability Standards for Education 2005.

Clarifying the rights and obligations relating to assistance animals:

- this amendment now makes it clear that discrimination on the ground of having an assistance animal (or carer, assistant or disability aid) is to be treated as discrimination on the ground of disability.

The defence of unjustifiable hardship:

- there are two new factors a court must consider when determining what amounts to an unjustifiable hardship:
 - (i) the availability of financial and other assistance; and
 - (ii) disability action plans submitted to the Commission by any respondent.

Discrimination in Employment:

- the 'inherent requirements' defence available to employers has been broadened to include a wider range of circumstances.

Request for information related to disability:

- the DDA makes it is unlawful to request information related to disability:
 - (i) if people who do not have the disability would not be required to provide the information in the same circumstances; and
 - (ii) if the information is to be used to discriminate on the ground of disability.

The above information has been taken from *'Improved rights protection for people with disability - Commentary on the 2009 changes to the Disability Discrimination Act 1992 (Cth) and related measures: August 2009'*.

The entire document can be downloaded from the Australian Human Rights Commission website at http://www.hreoc.gov.au/legal/publications/improved_dda2009.doc

It is important for schools to be familiar with these changes. To assist independent schools, several courses conducted by the Independent Schools Leadership Centre will incorporate sessions on the issue of disability and discrimination as it applies to schools and these will cover the above issues in some detail.

For further information on any of the above changes to the *Disability Discrimination Act* and related issues please contact Cate Pinnington, Assistant Director of Professional Services.