



Australian Government
**Department of Education,
Skills and Employment**

Non-Government Reform Support Fund

2022 Guidelines

NOTE: On 5 December 2022, a delegate of the Minister issued a direction that NGRBs must spend or commit to spend funding received in 2022 by 31 March 2023. Clause 29 of the Guidelines should be read in light of that direction.

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Preamble

The Non-Government Reform Support Fund (Reform Support Fund) commenced 1 January 2018 and will cease 31 December 2022.

The Australian Government announced the Reform Support Fund as part of the *Quality Schools* package to provide \$200 million over five years from 1 January 2018 to 31 December 2022. The Reform Support Fund provides funding to Non-Government Representative Bodies (NGRBs) to support non-government schools in the implementation of national and state/territory school reform policy initiatives. These initiatives are reflected in the national and bilateral agreements between the Commonwealth and the states and territories.

NGRBs are bodies approved by the Minister under section 91 of the *Australian Education Act 2013* (the Act).

Section 31 of the Australian Education Regulation 2013 (the Regulation) states that financial assistance that is payable to an NGRB under Division 4 of Part 5 of the Act (funding for NGRBs) must be used by NGRBs for the purposes of supporting school education and in accordance with these Guidelines. These Guidelines take effect from the date of approval by the Minister and apply to the remaining activity under the Reform Support Fund. They set out the Australian Government's requirements in relation to the administration, use and reporting of the Reform Support Fund. These Guidelines only apply to funding received from the Reform Support Fund.

The Department of Education, Skills and Employment (the department) may review and update the Guidelines as required. The department will consult with NGRBs and states and territories prior to making any amendments.

The current version of the Guidelines is published on the department's website.

A reference to the Minister in the Guidelines includes a reference to a delegate of the Minister under the Act.

In accordance with the principles outlined in the Schools Funding Assurance Framework (available on the department's website), the department may take measures to ensure Australian Government schools' funding is expended in accordance with the Guidelines, the Act and Regulations, and that the Minister's priorities are being met.

As 2022 is the last year of funding, the department is undertaking an evaluation to determine the effectiveness and efficiency of the Reform Support Fund in supporting the implementation of existing and new national policy initiatives and state-specific reforms in non-government schools.

Objective

1. The objective of the Reform Support Fund is to provide support for NGRBs to assist the non-government schools they represent to implement agreed national and state-based reform initiatives. These agreed initiatives will generally be the national policy initiatives set out in the National School Reform Agreement, the state reform actions set out in each state's bilateral reform agreement with the Commonwealth, and include the national priorities identified in paragraph 7 below.
2. This objective aligns with section 77(2A) of the Act, which sets out an ongoing policy requirement for non-government schools to cooperate with relevant states and territories to implement national and state policy initiatives and they are therefore required to consult and contribute accordingly.
3. NGRBs are expected to support the implementation of national and state policy initiatives in the schools they represent. Accordingly, in the context of development of the national policy initiatives in the National School Reform Agreement, NGRBs may be asked to facilitate consultation with schools or prepare for implementation of these initiatives.

4. Each NGRB will work with their relevant state or territory education department to ensure the objectives and outcomes of the National School Reform Agreement are achieved. NGRBs will:
 - (a) support the implementation of the eight national policy initiatives set out at clause 44 of the National School Reform Agreement
 - (b) continue to track and monitor the education outcomes of students in the schools they represent consistent with clause 37 of the National School Reform Agreement. This includes tracking and monitoring student improvement in the:
 - National Assessment Program – Literacy and Numeracy (NAPLAN) Literacy and Numeracy outcomes for Years 3, 5, 7 and 9; and
 - Organisation for Economic Cooperation and Development’s (OECD) Programme for International Student Assessment (PISA) testing in reading, mathematics and science.
5. NGRBs are expected to work with their state or territory education department to continue to implement the state-based reform actions in the relevant bilateral reform agreement in 2022.
6. The three national priorities for funding under the Reform Support Fund for 2021 continue to be priorities for the Commonwealth in 2022.
7. Accordingly, the priorities for 2022 are:
 - (a) NGRBs continue strengthening the three national priorities and supporting the schools they represent as follows:
 - improve the quality of information on the Nationally Consistent Collection of Data on School Students with Disability and to improve the efficiency and integrity of the data collection
 - transition of NAPLAN to online delivery
 - improve governance and financial management practices in non-government schools to strengthen financial viability, improve business decision making and build resilience to mitigate unforeseen circumstances.
 - (b) State based initiatives as agreed in the relevant bilateral agreement
 - (c) Local priorities where aligned broadly with the Quality Schools agenda (provided NGRBs have funding remaining after meeting their obligations under (a) and (b))
 - (d) Other priorities identified by the Minister from time to time.
8. NGRBs should ensure that, where Reform Support Fund workplan projects are also supported through funding from the Choice and Affordability Fund (and spending on the reform priorities is in accordance with the Choice and Affordability Fund Guidelines), the support is separately identified in Reform Support Fund workplans and annual reports.

Strategic plan

9. In 2019, each NGRB provided the Minister a strategic plan for the years 2019 to 2022. The strategic plans were provided in the template approved by the Minister.
10. The strategic plans focus on reform activities to support state efforts under the national and bilateral agreements.
11. Each NGRB will need to work collaboratively with the relevant state or territory government to support local priorities and cross-sectoral reforms.
12. The approved strategic plans form an attachment to, and are part of, these Guidelines, and are published on the Department of Education, Skills and Employment website.

13. Any variation to an approved strategic plan must be agreed by both the Minister and relevant NGRB in writing.
14. The strategic plan of each NGRB are also required to be published on the NGRB's website.

Workplan

15. A workplan for a calendar year must be provided in the template approved by the Minister and submitted to **reformsupportfund@dese.gov.au** in Microsoft Word and PDF formats.
16. For 2022, the workplan must be submitted by 30 November 2021, unless the Minister approves a later date.
17. The workplan for 2022 must:
 - (a) be developed in consultation with the relevant state or territory government.
 - (b) include the activities the NGRB will undertake for the year to support the implementation of school education reforms, detailed in the agreements referenced in subsection 22(2) of the Act, the three national priorities outlined in paragraph 7 above or as notified to the NGRB in writing by the Minister, in relation to the non-government school sector.
 - (c) include a breakdown of funding for each activity, including all funding sources, and the expected amount of that funding. For example, funding provided through the Choice and Affordability Fund, by the state or territory or other organisations, or where participants covered their own travel and/or accommodation costs to attend workshops.
18. The department will assess the workplan against the requirements in these Guidelines, which are published on the department's website.
19. The approved workplans form an attachment to, and are part of, these Guidelines, and are published on the department's website. NGRBs are also required to publish the approved workplans on their website.
20. The NGRB must undertake its activities in accordance with the workplan. Any variation to an approved workplan that results in a significant redirection of resources or a significant impact on intended outcomes must be agreed by both the Minister and relevant NGRB in writing.

Annual report

21. For 2022, the annual report must be submitted by 30 June 2022, unless the Minister approves an alternate date. NGRBs must provide the Minister with a report in relation to its activities for the previous calendar year (Annual Report). Annual Reports must be submitted to **reformsupportfund@dese.gov.au** in Microsoft Word and PDF formats and in the form (template) approved by the Minister.
22. The Annual Report must reflect the approved workplan from the year to which it relates and include an account of actual activities undertaken and the outcomes demonstrating the change from these activities.
23. Approved Annual Reports form an attachment to, and are part of, these Guidelines, and are published on the department's website. NGRBs are also required to publish the approved Annual Report on their website.

Audited financial, statements, acquittals and reporting

24. Each NGRB must comply with the Regulation sections 34, 36 and 38 that specify the requirements for **audited** financial statements, acquittals and reporting.

Amount of funding and payment schedule

25. The amount of funding allocated annually for an NGRB is notionally based on enrolment share of students at non-government schools the NGRB represents. For the purposes of determining

state allocation of Reform Support funding to NGRBs, the Minister may have regard to the recommendations of Independent Schools Australia and National Catholic Education Commission on their preferred distribution to NGRBs.

26. In 2022, the annual allocation for each NGRB will be paid as follows:
- (a) 70 per cent will be paid in January following approval by the Minister of the 2022 Workplan.
 - (b) 25 per cent will be paid in August on approval by the Minister of the 2021 Annual Report.
 - (c) 5 per cent final payment will be made in August. This recognises the program terminates on 31 December 2022 and the 2022 allocation must be spent or committed by this date.

27. Unless otherwise agreed in writing by the Minister, NGRBs will submit documentation according to the following schedule:

Table 1. Reporting schedule for the final year of the Reform Support Fund.

Report/Description	Submission Date
2022 workplan	By 30 November 2021
2021 Annual Report	By 30 June 2022
2022 Annual Report	By 31 May 2023

Use of funding

28. An NGRB must only spend, or commit to spend, funding provided under the Act for a calendar year for the purposes of:
- (a) implementing the activities specified in the NGRB’s approved workplan for the calendar year
 - (b) administration and operational costs of the NGRB directly associated with compliance with the Act and the Regulation, including these Guidelines.
29. An NGRB must spend, or commit, all funding provided under the Act in the same calendar year that the funding was paid, unless the Minister directs otherwise in writing under section 31(1)(e) of the Regulation.
30. Where an NGRB is unable to spend, or commit to spend, all funding provided under the Act in the same calendar year, an NGRB must, in writing, request approval from the Minister to carry over any unspent funds to the following calendar year, and must provide any supporting information required by the Minister. The request and supporting information must be provided to the Minister within the calendar year at a date that ensures there is sufficient time for the Minister’s consideration before the end of 2022.
31. As the Reform Support Fund ceases on 31 December 2022, the Minister will only consider for an NGRB to spend or commit to spend funding provided under the Act outside of the 2022 calendar year in exceptional circumstances.
32. Notwithstanding paragraphs 27, 28, 29 and 30 an NGRB must not spend, or commit, funding provided under the Act for:
- (a) study tours
 - (b) international travel of any kind

- (c) capital expenditure of any kind

Note: capital expenditure is defined in the Act

- (d) security for any form of loan, credit, payment or other interest
- (e) the preparation of, or in the course of, any litigation, except litigation by a state to recover a debt from the NGRB arising under the operation of the Act
- (f) administration and operational costs of the NGRB not otherwise covered by paragraph 27.

Other requirements

Identifying Commonwealth funding

- 33. When an NGRB undertakes an activity specified in its approved workplan, the Australian Government requires the NGRB to acknowledge, in all publicly available materials, Australian Government funding through the Reform Support Fund as having provided partial or complete funding for the activity with the following words 'This project is funded/partially funded by the Australian Government through the Non-Government Reform Support Fund'.

Record keeping

- 34. Each NGRB must keep records as specified in section 37 of the Regulation, including but not limited to records:
 - (a) identifying all expenditure of funding provided under the Act
 - (b) demonstrating the NGRB is meeting its obligations under the Act, the Regulation and these Guidelines
 - (c) demonstrating an NGRB's financial administration and governance of activities and funding provided under the Act.

Note: records must be kept for 7 years.

Access to premises and records, and the provision of information and records

- 35. Each NGRB must provide an authorised person access to premises and records of the NGRB in accordance with section 39 of the Regulation.

For example, from time to time, the department may undertake an audit of the financial and administrative procedures of an NGRB. Such audit may be undertaken by an authorised officer within the department or who is an independent auditor engaged by the department.

Matters to be audited will be determined by the department, but without limitation, may include:

- (a) compliance by the NGRB with the Act and the Regulation, including these Guidelines
 - (b) the financial administration of the NGRB.
- 36. Each NGRB must provide the Minister, or an authorised person, information and records in accordance with section 39A of the Regulation.

Keeping the Minister informed

- 37. Each NGRB must keep the Minister informed of changes to its operations as specified in section 40 of the Regulation, including but not limited to any change in the key individuals (as defined in section 4 of the Regulation) of the NGRB.
- 38. If an NGRB needs to vary its approval to add or remove a Non-Government school from its list, then the NGRB must apply to do so. This is a requirement of section 95(1) of the Act. The Minister may only vary the NGRB's approval if the Minister is satisfied the NGRB meets and will continue to meet the basic and ongoing requirements for approval contained in section 92 and section 93 of the Act.

Information to the public about financial assistance

39. As set out in sections 62(1)(b), (c) and (d) of the Regulation, an NGRB must, each year, publish information about the financial assistance it receives from the Commonwealth, including this fund. The information that must be published includes how a school applies for assistance and how decisions of the body to allocate funding are reviewed.
40. Each NGRB must ensure that it makes its strategic plan, approved workplan, and annual reports publicly available on its website and provide a hard copy upon request.

Other applicable legislation

41. NGRBs will comply with any relevant statutes, regulations, by-laws and requirements of any Commonwealth, state, territory or local authority, including, where applicable, relevant anti-discrimination laws and the:
 - (a) *Fair Work Act 2009 (Cth)*
 - (b) *Privacy Act 1988 (Cth)*
 - (c) *Criminal Code Act 1995 (Cth)*

Criminal Code

42. NGRBs should note that in providing any information to the department, giving false or misleading information is a serious offence under section 137.1 of the Criminal Code Act 1995 (Cth).

Consequences for not complying with the Act, the Regulation or these Guidelines

43. If an NGRB does not comply with any of its requirements in the Act, the Regulation or these Guidelines, for example, by spending funding other than for the purposes set out in section 31 of the Regulation, the Minister may consider taking one or more compliance actions against that NGRB.
44. These include imposing conditions on the approval of the NGRB under the Act (section 96 of the Act). Further, under section 110 of the Act, the Minister may take compliance actions.

Information management

45. Information created or provided for the purposes of the Act, including information, plans, and reports provided by NGRBs in accordance with the Regulation and these Guidelines, is 'school education information' under the Act. It can therefore be used, disclosed and published in accordance with section 125 of the Act and section 65 of the Regulation.
46. The department is subject to the Freedom of Information Act 1982 (Cth) and any information held by the department, including information, plans, and reports provided by NGRBs in accordance with the Regulation and these Guidelines, may be subject to freedom of information applications.

Department contact information

Contact details for the department are as follows:

School Assurance Branch
Department of Education, Skills and Employment
GPO Box 9880
CANBERRA ACT 2601

Email: reformsupportfund@dese.gov.au