



# Victoria Government Gazette

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## Education and Training Reform Act 2006

### NOTICE OF REVISED GUIDELINES FOR THE APPLICATION FOR THE REGISTRATION OF NON-SCHOOL SENIOR SECONDARY EDUCATION PROVIDERS AND REGISTERED NON-SCHOOL SENIOR SECONDARY EDUCATION PROVIDERS

Section 4.3.11 of the **Education and Training Reform Act 2006** (the Act) provides the criteria for registration which requires a person, body or school to comply the prescribed minimum standards. Section 4.3.11(3) provides that the Victorian Registration and Qualifications Authority (the Authority) may from time to time issue guidelines about these matters.

The revised guidelines will apply to all applicants seeking the Authority's approval to provide a senior secondary course in a non-school setting, including all VRQA approved non-school senior secondary education providers from the publication of the guidelines in the Government Gazette.

Dated 28 April 2016

LYNN GLOVER  
Director

Victorian Registration and Qualifications Authority

### GUIDELINES FOR NON-SCHOOL SENIOR SECONDARY EDUCATION PROVIDERS

Minimum standards for registration to provide an accredited senior secondary course

#### INTRODUCTION

The **Education and Training Reform Act 2006** (the Act) lists the minimum standards (officially called the prescribed minimum standards) that senior secondary education providers must satisfy in order to be registered and remain registered under the Act.

Section 4.3.11(1) of the Act provides that the Victorian Registration and Qualifications Authority (VRQA) must not register a person, body or school as a senior secondary provider unless the VRQA *is satisfied that* the school person, body or school meets the relevant standards.

These guidelines deal with the minimum standards that apply to non-school providers offering an accredited senior secondary course such as the Victorian Certificate of Education (VCE) or the Victorian Certificate of Applied Learning (VCAL).

#### Providers offering courses to students from overseas

Providers offering or proposing to offer courses to students from overseas are regulated by Part 4.5 of the Act and the **Education Services for Overseas Students Act 2000** (Cth) (ESOS Act). These Acts impose additional requirements that education institutions must satisfy in order to offer those courses.

The above Acts require providers to first seek the VRQA's approval under Part 4.5 of the Act. If approved, the VRQA may then recommend to the Commonwealth that the provider be registered under the ESOS Act.

Further information for providers seeking approval and registration to offer courses to students from overseas is available at: [www.vrqa.vic.gov.au/registration/Pages/schcricos.aspx](http://www.vrqa.vic.gov.au/registration/Pages/schcricos.aspx).

If the provider is already registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), evidence of compliance with the National Code must be provided for the relevant senior secondary qualification. The provider will need to take particular note of the requirements pertaining to membership of the Tuition Protection Service ([www.tps.gov.au](http://www.tps.gov.au))

Note: If a registered senior secondary provider wishes to deliver the VCE and/or VCAL to students outside of Victoria (including offshore), it must apply to the Victorian Curriculum and Assessment Authority (VCAA) for a licence.

For further information about registration and/or re-registration as a CRICOS provider contact the VRQA.

**SPECIAL**

**Providers offering education to students aged 6 to 17 years**

Section 4.7.1 of the Act creates the offence of conducting a school unless the school is registered under the Act. Section 1.1.3 defines a school as a place at or from which education is provided to children of compulsory school age (ie aged 6 to 17 years) during normal school hours. Some institutions are excluded from the definition of school, such as: TAFEs; Universities; adult education institutions such as AMES and ACE; some Registered Training Organisations (RTOs) and in particular:

an education provider that has at least 85 per cent of its students above the compulsory school age **and** which the Authority is satisfied has been established for the main purpose of providing education or training to students above the compulsory school age (*ref Education and Training Reform (ETR) Regulations 2007 6(1)(d)(iii)*).

Providers offering an accredited senior education course will also need to check whether they also need to be registered as a school, and have to meet the additional requirements for school registration.

**THESE GUIDELINES**

The guidelines are issued for the main purpose of providing guidance on the information, documents and other evidence the VRQA will require in order for it **to be satisfied** that a non-school provider meets the relevant standards.

They should be used by a non-school provider:

- seeking registration to deliver an accredited senior education course
- seeking registration to deliver an additional accredited senior education course.

They are issued pursuant to section 4.3.11(3) of the Act. That section authorises the VRQA to issue guidelines on the minimum standards for registration to offer an accredited senior secondary course.

The guidelines will also be used by the VRQA when conducting reviews on whether a provider continues to satisfy the minimum standards.

The guidelines do not replace the need to comply with the minimum standards. Accordingly, the VRQA may in any particular case require evidence in addition to or different to that set out in these guidelines.

References to regulations, Ministerial Orders or provisions of an Act are as at the date of these guidelines. These guidelines are subject to any amendments to those references.

**REGISTRATION OF EDUCATION AND TRAINING PROVIDERS**

The VRQA is responsible for registering:

- all schools
- students for home schooling
- senior secondary education providers
- training organisations delivering only in Victoria to domestic students
- overseas secondary student exchange organisations
- registered schools providing courses to overseas students.

The VRQA is responsible for ensuring that these organisations meet the required standards.

The VRQA works in cooperation with the VCAA to assess applications for registration to deliver the VCE and/or VCAL. The VCAA is registered by the VRQA as a Senior Secondary Awarding Body under Part 4.3.10 of the Act.

## REGISTRATION PROCESS

### REQUIREMENT FOR REGISTRATION

The Act requires all providers in Victoria to be registered before they can offer or deliver an accredited senior secondary course. It is an offence under section 4.7.3 of the Act to provide or to offer to provide the VCE or VCAL without being registered by the VRQA.

Registration is for a maximum of five years. Providers will need to re-register prior to their expiry date. Registered schools are exempted under s4.3.12(2) of the Act from having to re-register every 5 years.

### REQUIREMENT TO COMPLY WITH THE MINIMUM STANDARDS

All senior secondary education providers must comply with each of the *Minimum standards for registration to provide an accredited senior secondary course* set out in Schedule 7 of the Education and Training Reform Regulations 2007 and any other requirements specified in the Act. The VRQA will work with the VCAA, the owner of the VCE and VCAL, to monitor compliance with the minimum standards.

### THE REGISTRATION PROCESS:

#### 1. Authorisation from the VCAA

Applicants seeking registration as a non-school senior secondary provider, or non-school senior secondary providers wishing to extend their senior secondary scope of delivery by adding courses, must first apply to the VCAA for authorisation. Information on authorisation is available at [www.vcaa.vic.edu.au](http://www.vcaa.vic.edu.au).

#### 2. Understanding registration

The VRQA holds a briefing session for providers in February/March each year. It is important that new applicants attend this session. Details about this briefing and other important dates can be found on the VRQA's website at: [www.vrqa.vic.gov.au](http://www.vrqa.vic.gov.au)

Providers seeking to re-register prior to their five year expiry date will be notified of the date and venue of their briefing session.

The VCAA website ([www.vcaa.vic.edu.au](http://www.vcaa.vic.edu.au)) has information about the VCE and VCAL and a list of relevant publications.

#### 3. Evidence of compliance

Applicants need to prepare evidence of compliance against each of the minimum standards. These guidelines provide advice about the evidence required to demonstrate compliance with the minimum standards for registration as a non-school senior secondary education provider to deliver an accredited senior secondary course. Please read these guidelines very carefully. Please note that the evidence to be submitted needs to be specific to senior secondary, and demonstrate compliance with each of the minimum standards for senior secondary registration. When producing documentation for the students' information, documentation must be appropriate to the needs of the senior secondary students.

In the event that two or more senior secondary providers share the responsibility for providing an accredited senior secondary course or its components, each provider must have procedures in place to ensure the minimum standards are met. A written agreement must be in place to ensure the relevant responsibilities are managed.

The standards state that if the provider is not the owner of the accredited course, the provider must first obtain the authorisation of the owner of the accredited senior secondary course to provide that course. This requires the provider to apply to the VCAA for approval to offer the VCE or VCAL, before submitting its application to the VRQA.

If you are intending to deliver a senior secondary course for overseas students, evidence of compliance with the **Education Services for Overseas Students Act 2000** (as amended in 2007) and *The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* will also need to be provided.

**4. Submitting an application**

If the provider is not the owner of the accredited course, the provider must first obtain the authorisation of the VCAA for approval to offer the VCE or VCAL, before submitting its application to the VRQA.

The application form and the supporting documentation must be submitted to the VRQA by 30 June in the year preceding intended delivery. Upon receipt of a complete application the VRQA will issue an invoice. The fee structure can be found on the VRQA website at [www.vrqa.vic.gov.au](http://www.vrqa.vic.gov.au).

An application must be in the form approved by the Authority.

The approved application form is available at [www.vrqa.vic.gov.au/registration/Pages/schonssapply.aspx](http://www.vrqa.vic.gov.au/registration/Pages/schonssapply.aspx)

All components of the application must be completed and forwarded to the VRQA. Documentation must be limited to that requested in the application form. Submission, in MS Word or PDF format, should be made electronically on a USB, CD or sent by email (zipped files).

Applications for registration to provide one or more units of study may also be submitted. For example to provide VCE Dance Units 1-4 or a VCAL Literacy or Numeracy strand.

**5. Registration decision**

The VRQA will evaluate the application and in most instances conduct a site visit to assess compliance with the minimum standards. Where an application to provide the VCE and/or VCAL to overseas students is concerned, the VRQA will assess this against the legislative framework for Education Services to Overseas Students.

Approval to commence delivery of a course is linked with senior secondary education commencement dates established by the VCAA. Lodging an application to the VRQA (after the provider has the approval of the VCAA) by 30 June of the year preceding delivery will allow the VRQA, sufficient time to process the application in order for the provider to participate in VCE and VCAL professional development programs.

Any marketing or promotion by an applicant should clearly indicate that it is subject to VRQA registration.

Where an application is successful, applicants will be notified of the period of registration (a maximum of five years) and of any limitations or restrictions that may have been placed on the registration. The provider's details will be published on the State Register.

Where an application is not successful, the applicant will be notified and provided with reasons for the VRQA's decision. A person whose interests are affected by a VRQA decision to reject an application can apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the VRQA's decision. The application to VCAT must be made within 28 days of the date on which the decision was made by the VRQA, or 28 days after a statement of reasons was provided to the applicant or was advised a statement will not be provided, whichever is the later. Applicants should refer to the wording of section 4.8.1 of the ETR Act for further details.

**REVIEW OF COMPLIANCE**

The VRQA will review the compliance of a registered senior secondary education provider with the minimum standards and other requirements. It will do so at least once within the period of registration. The VRQA requires a senior secondary education provider to participate in the review, and to provide it with evidence to establish the provider's compliance with the minimum standards.

The VRQA may base its review on a range of matters that may include but are not limited to:

- the analysis of data and other evidence of compliance with the minimum standards
- the analysis of student performance and outcomes data provided by the VCAA

- a visit to the provider by the VRQA or by a person or body approved by the VRQA to review compliance
- registration history, including complaints
- other information provided in the public domain
- a combination of these processes.

The VRQA may also periodically require a provider to report on any matter pertaining to its registration and its compliance with the minimum standards and other requirements.

If the VRQA determines that a registered provider does not comply with one or more of the minimum standards, it may suspend or cancel the provider's registration.

#### COMPLAINTS ABOUT PROVIDERS

The VRQA will investigate complaints alleging a breach of the minimum standards.

A complainant must first raise their concerns with the provider and allow a reasonable time for the provider to respond.

Information regarding the complaints process is available on the VRQA's website: [www.vrqa.vic.gov.au](http://www.vrqa.vic.gov.au).

The VRQA is not a mediating body but may investigate whether the processes used by the provider were fair and consistent with its stated policies.

The VRQA is also required to investigate a complaint alleging a breach of obligations by a provider in relation to the democratic principles, the availability of information about the provider's performance and the right of a parent or student to access information about the student's achievement. (Ref ETR Regulations 82 to 85).

Details of the relevant obligations are as follows:

- all providers of education and training, both government and non-government, must ensure that their programs and teaching are delivered in a manner that supports and promotes the principles and practice of Australian democracy. These principles include a commitment to elected government, the rule of law, equal rights for all before the law, freedom of religion, freedom of speech and association, and the values of openness and tolerance
- information about the performance of education and training providers should be publicly available
- a parent or guardian of a student and the student has the right to access information about the student's achievement.

A complainant must first raise the concerns with the principal or governing body, which must be given a reasonable time to respond. If not satisfied with the response, the complainant may then write to the VRQA detailing the concerns and asking for an investigation.

**MINIMUM STANDARDS**

If an applicant intends to provide part or all of the VCE or VCAL through another organisation, there must be a written partnership agreement, and both parties need to satisfy the relevant registration requirements.

**STANDARD 1 – PRINCIPLES**

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| <p>(1) The programs and teaching of a senior secondary education provider must support and promote the principles and practice of Australian democracy, including a commitment to –</p> <ul style="list-style-type: none"> <li>(a) elected government;</li> <li>(b) the rule of law;</li> <li>(c) equal rights for all before the law;</li> <li>(d) freedom of religion;</li> <li>(e) freedom of speech and association;</li> <li>(f) the values of openness and tolerance.</li> </ul> <p>(2) Nothing in this clause is intended to affect any right accorded to, or compliance with any obligation imposed on, a provider under an enactment of the State or of the Commonwealth.</p> |
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*Schedule 7 clause 2 of the Education and Training Reform Regulations 2007*

*Explanatory notes*

The last paragraph of the above standard does not limit the operation of other laws of the State or Commonwealth. For example, section 39 of the **Equal Opportunity Act 2010** (Vic) allows an education provider to operate wholly or mainly for students of a particular sex, race, religious belief, age or age group, or students with a general or particular disability. This enables a provider established by a particular religious denomination or group of religious denominations to give preference in its enrolment policy to adherents of that denomination(s) or their children. The provider in this scenario would be expected to have written policies surrounding this which are communicated to staff, students, parents and the community.

*Evidence guide*

There must be evidence in the form of a statement affirming the provider's adherence to the principles and practice of Australian democracy such as might be included in the provider's constitution, prospectus, handbook or policies.

**STANDARD 2 – STUDENT LEARNING OUTCOMES**

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| <p>A senior secondary education provider that provides, or proposes to provide, an accredited senior secondary course must:</p> <ul style="list-style-type: none"> <li>(a) deliver the course to the standards established by the awarding body for the qualification; and</li> <li>(b) ensure that a student who satisfactorily completes all of the course requirements is entitled to be awarded the registered qualification.</li> </ul> |
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*Schedule 7 clause 3 of the Education and Training Reform Regulations 2007*

*Explanatory notes*

Providers must be able to demonstrate understanding of the VCAA standards and requirements including the course outlines for VCE and/or VCAL, and deliver the course in accordance with those standards and requirements. This evidence needs to be specific to the cohort of senior secondary students to ensure that students understand the course requirements, including the course standards and the timelines in place.

*Evidence guide*

There must be evidence in the form of:

- current student and staff handbooks and course outlines for the accredited qualification
- sample student learning sequence or plan for the accredited qualification
- procedures and documentation to indicate that staff and students have been provided with current and accurate information about VCAA standards and requirements including course standards, timelines, qualification requirements and the current VCAA, VCE/VCAL Administrative Handbook.

**External providers**

There must be evidence in the form of a written agreement, where part or all of the course is delivered by another registered provider which also sets out how the requirements of the student learning outcomes standard will be met. (Also see Standards 3, 4 and 5).

**STANDARD 3 – STUDENT WELFARE**

- (1) A senior secondary education provider must have policies and procedures in place that are consistent with any relevant legislation to ensure the care, safety and welfare of students and the provision of opportunities for students with special needs to access the course.
- (2) If two or more senior secondary education providers share the responsibility for providing an accredited senior secondary course or its components to a student, each of those providers must have procedures in place to identify and satisfy the legal duties owed to the student while the student attends, travels between or undertakes an excursion with the providers.

*Schedule 7 clause 4 of the Education and Training Reform Regulations 2007*

*Explanatory notes*

Policies and procedures that students may be required to access need to be written in a language that is suitable for the student cohort.

*Evidence guide***Legislative requirement**

There must be evidence in the form of the provider's policies and procedures with respect to:

- the duty of care owed to its students
- student welfare
- bullying and harassment, including cyber bullying
- managing complaints or grievances
- the provider's obligations under discrimination and equal opportunity legislation, including the duty to make reasonable adjustments for students with disabilities.

**Student safety**

There must be evidence in the form of the provider's policies and procedures with respect to the following:

- that it owes all students a duty of care to take reasonable measures to protect them from risks of injury that should have been reasonably foreseen
- that it owes a duty to take reasonable care that any student (and other person) on the premises will not be injured or damaged by reason of the state of the premises or of things done or omitted to be done in relation to the state of the premises
- that greater measures may need to be taken for younger students or student with disabilities
- proper arrangements for on-site supervision of students

- proper arrangements for supervision of students when engaged in off-site activities
- ensuring the safety and welfare of students learning with an external provider
- ensuring all staff understand mandatory reporting, and the failure to disclose offence which commenced on 27 October 2014 and the failure to protect offence which commenced on 1 July 2015. In summary:
  - *the mandatory reporting obligation* is set out in Part 4.4 of the **Children, Youth and Families Act 2005**. Section 184 imposes an obligation on registered teachers and other persons listed in s182 to make a mandatory report if they form a belief on reasonable grounds that a child is in need of protection on the grounds that the child has suffered, or is likely to suffer, significant harm because of physical injury or sexual abuse, and the child's parents have not protected, or are unlikely to protect, the child from harm of that type
  - *the failure to disclose offence* requires any adult (subject to specific exemptions) who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 to report that information to police. Failure to disclose the information to police is a criminal offence. Further information can be obtained at: <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>
  - *the failure to protect offence* applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that school. A relevant organisation is one that exercises care, supervision or authority over children. A person in a position of authority in a relevant organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. Further information is available at: <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence>

### Student care

There must be evidence in the form of the provider's:

- arrangements for ill students
- policy and procedures for distributing medicine
- current register of staff trained in first aid or a proforma for a provider applying to register
- records of student medical conditions and management or a proforma for a provider applying to register.

### Additional evidence

There must also be evidence of the provider's:

- accidents and incident register
- first aid policy and procedures
- internet use policy and procedures
- critical incident plan
- emergency management plan which must be reviewed at least annually and immediately after any significant incident.

There must also be evidence of how the provider communicates policies and procedures on the care, safety and welfare of students to staff, students, guardians and parents.

### Managing the risk of child abuse (commenced 1 January 2016)

A provider must have policies, procedures, measures and practices in accordance with the DHS Child Safe Standards which commenced on 1 January 2016. The Standards can be accessed at <http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards-resources> or on the VRQA website at [www.vrqa.vic.gov.au/childsafe](http://www.vrqa.vic.gov.au/childsafe).

They apply to non-school senior secondary providers due to Schedule 7, item 4 of the ETR Regulations.

#### *External providers*

There must be evidence in the form of a written agreement where part or all of the course is delivered by another registered provider which sets out how duty of care responsibilities will be managed. Areas to be covered include the legal responsibility for students who attend the course. These include but are not limited to:

- monitoring of attendance
- student welfare matters
- Working with Children Checks
- travel between providers
- participation in excursions (Also see Standards 2, 4 and 5).

#### STANDARD 4 – STUDENT RECORDS AND RESULTS

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| <p>(1) A senior secondary education provider must have policies and procedures in place:</p> <ul style="list-style-type: none"><li>(a) to maintain accurate student records and ensure the integrity of student assessments; and</li><li>(b) if the provider is not the awarding body, to enable compliance with the requirements of the awarding body for the course with regard to the assessment program and the timely provision of student enrolments and results; and</li><li>(c) if the provider is also the awarding body, to deal with the assessment program and the timely provision of student enrolments and results; and</li><li>(d) to monitor patterns of student participation and completion rates, and the quality of outcomes of students in the registered senior secondary education qualification; and</li><li>(e) to undertake an annual analysis (that is made publicly available) of student participation and completion rates and outcomes.</li></ul> <p>(2) A senior secondary education provider must prepare and maintain records of student assessments and comply with appropriate requests to provide copies of a student's records to the student or a person authorised by the student to receive the records.</p> <p>(3) A senior secondary education provider must have processes in place that comply with the requirements of the awarding body for the course for the accurate and timely issuing of qualifications and for the retention, archiving and retrieval of sufficient information about student enrolments and results to enable the re-issue of statements and certificates if required.</p> |
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*Schedule 7 clause 5 of the Education and Training Reform Regulations 2007*

#### *Explanatory Notes*

Evidence needs to demonstrate understanding of the VCAA requirements including the Victorian Assessment Software System (VASS).

The provider must be able to demonstrate that students are correctly enrolled to achieve the requirements for the accredited qualification. It must also show that their records of results are accurate and securely stored.

If two or more providers share the responsibility for providing an accredited senior secondary qualification or its components, there must be arrangements in place to ensure that this standard is met.

*Evidence guide*

There must be evidence in the form of policies and procedures for:

- assessment
- administration of student records (including an archive period of not less than seven years)  
Note: School-assessed coursework, copies of coursework or coursework not returned to students may be destroyed four months after the student is notified of their final result for the unit
- monitoring and analysis of student results (including monitoring and analysis of participation rates, completion rates, student outcomes and access to further education and work after leaving the program). This information needs to be publicly available.

There must be evidence in the form of procedures that:

- maintain the integrity, accuracy and currency of student records
- allow students to check personal details about them which are stored on the VCAA database
- ensure that the personal details of students are held securely to prevent unauthorised access
- allow for the production of eligibility reports for currently enrolled students from VASS (for existing providers)
- demonstrate appropriate learning programs (for new providers).

The provider must supply evidence of:

- technical hardware to support the use of the VASS.

*External providers*

Where part or all of the course is delivered by another registered provider, there must be evidence in the form of a written agreement, which sets out how the requirements of the student records and results standard will be met (also see Standards 2, 3 and 5).

**STANDARD 5 – TEACHING AND LEARNING**

A senior secondary education provider must have:

- (a) qualified and competent staff to teach and assess the course; and
- (b) suitable teaching resources and physical facilities to provide the course; and
- (c) processes to ensure the consistent application of assessment criteria and practices; and
- (d) processes to oversee the conduct of assessments of the course including processes to conduct investigations and hearings and, if necessary, amend or cancel assessments.

*Schedule 7 clause 6 of the Education and Training Reform Regulations 2007*

**Qualifications of teachers***Evidence guide*

There must be evidence for non-VET VCE teachers in the form of:

- qualifications, Victorian Institute of Teaching (VIT) registration and other relevant information showing that teachers meet the requirements for the delivery and/or assessment of the qualification
- a statement outlining the process in place for the supervision of a non-VIT registered teacher by a VIT registered teacher.

There must be evidence for VCAL and VET teachers in the form of qualifications and other relevant information showing that teachers meet the Australian Quality Training Framework (AQTF) requirements for the delivery and/or assessment of the qualification.

There must be evidence in the form of policy and procedures for the supervision of non-registered staff and volunteers.

There must be a designated person responsible for ensuring overall compliance with the principles and requirements of the accredited senior secondary qualification.

### **Facilities and Resources**

#### *Evidence guide*

There must be evidence in the form of:

- access to physical facilities which meet Australian building code standards and regulations as well as occupational health and safety requirements
- physical facilities which are suitable for the delivery of the specific VCE and/or VCAL courses to be provided. This may include, for example, facilities in which to conduct practical work in biology, chemistry, physics, dance, food technology or physical education
- adequate learning resources such as equipment for the courses intended for delivery to ensure that delivery meets all requirements for resources and facilities.

### **Assessment**

#### *Evidence guide*

There must be evidence in the form of:

- procedures for the fair, valid and reliable application of internal assessments
- teaching and learning programs that use the relevant VCAA curriculum and assessment documents as the source of the content and are in accordance with the currently accredited qualification
- written advice to staff and students which provides comprehensive course advice, including VCAA assessment rules and responsibilities
- procedures for establishing and applying decisions about satisfactory completion and delay of satisfactory completion across the course consistent with VCAA guidelines
- policies and procedures which ensure the integrity and authentication of assessments and their compliance with VCAA requirements and administrative guidelines
- documents available to staff to help ensure that they are able to meet course and assessment requirements, including administrative arrangements
- procedures to identify students who require special provision and, where relevant, to enable consistent and fair decisions to be made about appropriate assistance for these students
- policies and procedures to ensure that the provider meets all other requirements in the current VCAA, VCE and VCAL Administrative Handbook, as applicable
- policies and procedures for any workplace learning arrangements consistent with current VCAA, VCE and VCAL Administrative Handbook and current Ministerial Orders ([www.education.vic.gov.au/training/providers/rto/Pages/workplacelearn.aspx](http://www.education.vic.gov.au/training/providers/rto/Pages/workplacelearn.aspx)).

#### *External providers*

There must be evidence in the form of a written agreement, where part or all of the course is delivered by another registered provider which sets out how the requirements of the teaching and learning standard will be met. (Also see Standards 2, 3 and 4).

## STANDARD 6 – GOVERNANCE AND PROBITY

- (1) The governance and management of a senior secondary provider must be structured to enable the provider to effectively manage:
  - (a) the finances of the provider; and
  - (b) the physical environment of each place where the course is offered by the provider; and
  - (c) the staff of the provider; and
  - (d) the students enrolled in the course offered by the provider.
- (2) A senior secondary education provider must ensure suitable arrangements are in place:
  - (a) to enable the provider to respond to and supply any information requested by the Authority in regard to matters listed in section 4.3.11(2) of the Act; and
  - (b) to enable the provider to comply with any relevant guidelines issued by the Authority under section 4.3.11(3) of the Act; and
  - (c) to enable the Authority to conduct an audit on the operation of the person, body or school in relation to the minimum standards.
- (3) If the senior secondary education provider is not the owner of an accredited course, the provider must be authorised by the owner of the accredited senior secondary course to provide that course and education and must comply with the conditions relating to that authorisation.
- (4) A senior secondary education provider must not provide instruction in an accredited senior secondary course at a school unless it is a registered school.

*Schedule 7 clause 7 of the Education and Training Reform Regulations 2007*

*Evidence guide*

In relation to paragraph 1, (above), there must be evidence in the form of:

- policies and procedures that include appropriate provisions for the management of finances, physical environment, staff and students
- the policies and procedures for the effective management of staff and students will include appropriate enrolment agreements with students and employment agreements with staff
- an outline of the governing body's structure, membership, meeting requirements, voting rights and rules governing meetings
- policies relating to the operation, professional development, review and induction of any governing body and its members
- a governance charter outlining the key functions and responsibilities of senior managers and the board of management
- enrolment estimates
- a business plan, including three year financial projections, certified by a qualified accountant
- the rental/leasing arrangements of each delivery site, including council approval (where required).

Note: Section 4.3.11(1) of the ETR Act enables standards to be made in respect of matters including governance, probity, and quality assurance. Sub section (3) enables the VRQA to issue guidelines on those matters, and sub section (1A) states the prescribed minimum standards may require a provider to comply with the guidelines.

Paragraph 2 of the above standard requires a provider to ensure suitable arrangements are in place to enable the provider to comply with any relevant guidelines issued by the Authority under section 4.3.11(3) of the Act.

The following guidelines apply for the purpose of this standard:

There must be evidence in the form of policy and procedures that:

- the VRQA will be notified within 10 working days of changes to the name or contact details of the proprietor, principal, and members of the governing body (as the case requires)
- the VRQA will be notified well in advance of any proposed relocation to ensure the provider can be registered on the new delivery site (See evidence required under Standard 5 - Teaching and learning).

There must be evidence in the form of completed and signed declarations (as provided in the application form) by the provider's chief executive officer/principal (for new providers only):

- which certifies that the organisation will operate in accordance with the **Education and Training Reform Act** and the Education and Training Reform Regulations 2007
- which certifies that the information provided in the application is correct.

In relation to paragraph 2, there must be evidence in the form of policies and procedures to ensure the provider has suitable arrangements in place to enable it to respond to and supply any information requested by the Authority in regard to following matters listed in section 4.3.11(2) of the Act:

whether the provider, any person involved in the management of the provider or any person involved in the business of the provision of courses by the provider –

- (a) has ever had their registration under Division 3 of Part 4.3 suspended or cancelled or
- (b) has ever had conditions imposed on their registration under this Division 3 of Part 4.3 or
- (c) has ever been convicted of an indictable offence or
- (d) has ever become bankrupt or taken the benefit of any law for the relief of bankrupt debtors, or compounded with their creditors or made an assignment of their property for their benefit or
- (e) has ever been disqualified from managing corporations under Part 2D.6 of the **Corporations Act** or
- (f) was involved in the provision of courses by another person or body who is covered by paragraph (a) to (e) at the time of the events that gave rise to the relevant prosecution or other action.

For the purpose of paragraph 2, the provider must also have policies and procedures to show it can comply with any relevant guidelines issued by the Authority under section 4.3.11(3) of the Act; and to enable the Authority to conduct an audit on the operation of the provider in relation to the minimum standards.

In relation to paragraph 3, if the provider is not the owner of the accredited course, the provider must first obtain the authorisation of the owner of the accredited senior secondary course to provide that course and education.

This requires the provider to apply to the VCAA for approval to offer the VCE or VCAL. An application to the VRQA must contain the approval of the VCAA for the application to proceed.

The provider should also note the last part of this paragraph and paragraph 4 of this standard.

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**Education and Training Reform Act 2006****NOTICE OF REVISED GUIDELINES FOR THE APPLICATION FOR THE  
REGISTRATION OF SCHOOLS AND REGISTERED SCHOOLS**

Section 4.3.8A of the **Education and Training Reform Act 2006** (the Act) authorises the Victorian Registration and Qualifications Authority (the Authority) to issue guidelines for the purposes of determining whether a school complies with the requirements for registration.

Section 4.3.8A(4) of the Act requires that any guidelines issued under subsection 4.3.8A be published as soon as practicable in the Government Gazette.

The revised guidelines will apply to all applicants seeking registration from the Authority to operate a school, including all VRQA registered schools from the publication of the guidelines in the Government Gazette.

Dated 28 April 2016

LYNN GLOVER

Director

Victorian Registration and Qualifications Authority

**GUIDELINES TO THE MINIMUM STANDARDS AND OTHER REQUIREMENTS  
FOR REGISTRATION OF SCHOOLS INCLUDING THOSE OFFERING  
SENIOR SECONDARY COURSES****INTRODUCTION**

The **Education and Training Reform Act 2006** (the Act) lists the minimum standards that schools (and other education providers) must satisfy in order to be registered and remain registered under the Act.

These guidelines deal with the minimum standards (officially called the prescribed minimum standards) that apply to:

- (a) schools offering Years Prep to 10; and
- (b) schools offering a senior secondary course such as the Victorian Certificate of Education (VCE), Victorian Certificate of Applied Learning (VCAL) or International Baccalaureate (IB) Diploma, which are normally provided in Years 11 and 12.

**P-10 schools**

Schools offering or proposing to offer Years P to 10 are regulated by the minimum standards referred to in s4.3.1(6) of the Act. Those standards are examined later in these guidelines.

Section 4.3.1(6) of the Act provides that the Victorian Registration and Qualifications Authority (VRQA) *must not* register a school (ie P-10) unless the VRQA *is satisfied that* the school meets the relevant standards.

**Schools offering accredited senior secondary courses**

Schools offering or proposing to offer the VCE, VCAL or the IB Diploma, or any part of such a course are regulated by the minimum standards referred to in s4.3.11 of the Act.

These are additional standards that schools must satisfy in order to offer such courses. These standards are explained in page 23 of these guidelines.

Section 4.3.11(1) of the Act provides that the VRQA *must not* register a person, body or school as a senior secondary provider unless the VRQA *is satisfied that* the school person, body or school meets the relevant standards.

**Schools offering courses to students from overseas**

Schools offering or proposing to offer courses to students from overseas are regulated by Part 4.5 of the Act and the **Education Services for Overseas Students Act 2000** (Cth) (**ESOS Act**). These Acts impose additional requirements that schools must satisfy in order to offer those courses.

The above Acts require schools to first seek the VRQA's approval under Part 4.5 of the Act. If approved, the VRQA may then recommend to the Commonwealth that the provider be registered under the ESOS Act.

Further information for schools seeking approval and registration to offer courses to students from overseas is available at: <http://www.vrqa.vic.gov.au/registration/Pages/schcricos.aspx>

### **The Victorian Registration and Qualifications Authority**

The VRQA was established under the Act. The VRQA is responsible, among other things, for registering all schools (government and non-government) that operate in Victoria and for ensuring that registered schools meet the standards required for registration. This includes schools offering senior secondary courses and courses to students from overseas.

### **Review Bodies**

One of the ways by which the VRQA may satisfy itself whether or not a school complies with the minimum standards is 'on the basis of a report of the conduct of a review and evaluation by a person or body approved by the Authority to review a school or group of schools,' pursuant to part 4.3.2 (c) of the Act.

A review body is approved by the VRQA following submission of an application that demonstrates the entity meets the requirements of the *Arrangements for School Review Bodies* of the VRQA. One of these requirements is to provide an annual report to the VRQA on the compliance of their schools with the minimum standards.

The Catholic Education Commission of Victoria (CECV), and Seventh-day Adventist Schools (Victoria) and the Regional Services Group of the Department of Education and Training (DET), or the division given the responsibility by the Secretary, DET, for matters relating to compliance of government schools with the minimum standards, have been established as review bodies responsible for ensuring the ongoing quality assurance of their respective schools.

### **About these guidelines**

The guidelines are issued for the main purpose of providing guidance on the information, documents and other evidence the VRQA will require in order for it *to be satisfied* that a school meets the relevant standards.

They are issued pursuant to sections 4.3.8A(i) and 4.3.11(3) of the Act. Those sections authorise the VRQA to issue guidelines on the criteria for registration for schools, including those offering senior secondary courses.

Sections 4.3.8A(5) and 4.3.11(1A) of the Act also state that regulations may require a school to comply with any guidelines. The guidelines will note where any such regulations have been made.

These guidelines should be used by:

- an individual or organisation applying for registration of a school
- two or more registered schools that intend to amalgamate (the proposed amalgamated school must apply to the VRQA as if it was a new school)
- a registered school seeking to change certain aspects of its registration. The guidelines provide information and advice about how the school can maintain its compliance and change certain aspects of its registration. Catholic and government schools should contact their respective review body, the CECV or the Regional Services Group, DET, or the division given the responsibility by the Secretary, DET, for matters relating to compliance of government schools with the standards, for advice, application forms and procedures
- a school delivering or applying to deliver a senior secondary qualification. The guidelines also explain further requirements that apply to a school that delivers a senior secondary qualification.

The guidelines will also be used by the VRQA when conducting reviews on whether a school continues to satisfy the minimum standards.

The guidelines do not replace the need to comply with the minimum standards. Accordingly, the VRQA may in any particular case require evidence in addition to, or different to, that set out in these guidelines.

References to regulations, Ministerial Orders or provisions of an Act are as at the date of these guidelines. These guidelines are subject to any amendments to those references.

#### *Evidence guide*

Figure 1 explains the wording used in these guidelines.

*Figure 1: Evidence requirements*

Wording	Explanation
<b>‘There must be evidence in the form of ...’</b>	The evidence specified is essential in order to satisfy the VRQA that the relevant standard has been met.
<b>‘Evidence may but will not necessarily include ...’</b>	The evidence specified is advice or suggestion about types of evidence that a school might wish to provide.

#### REQUIREMENTS FOR REGISTRATION

The Act requires all schools in Victoria to be registered before they can start operating, and creates an offence to conduct a school unless it is registered (ref s4.7.1 of the Act).

An individual or organisation proposing to open a new non-government school must apply to the VRQA for registration of the school.

Two or more registered schools wishing to amalgamate must also apply to the VRQA to register (as if they were a new school).

The VRQA may not grant registration ***unless it is satisfied*** that an applicant complies with the minimum standards.

A school is a place at or from which education is provided to children of compulsory school age, which is from 6 to 17 years. A school must be registered as one or more of the following types:

- a primary school
- a secondary school
- a co-educational school
- a single sex school
- a specific purpose school such as a school that provides an alternative educational program
- a specialist school (a school that caters mainly for students with disabilities or with social, emotional or behavioural difficulties) (ref item 10 of Sch 3 Education and Training Reform (ETR) Regulations).

#### **Exceptions to minimum standards**

There are some exceptions to the minimum standards. These are explained in the relevant sections of these guidelines.

#### SUMMARY OF MINIMUM STANDARDS FOR ALL SCHOOLS

The minimum standards for schools, when taken as a whole, provide a foundation for quality schools.

They underpin the key pillars of a quality school – good governance, strong financial management, effective curriculum, sound teaching practice and a safe environment for children.

The minimum standards for schools are summarised below:

- governance – the school’s governance must be properly structured, its programs and teaching must adhere to the democratic principles, there must be a clear statement of the school’s philosophy and it must be not-for-profit (ref cl 15, 1, 16 and 17 of Sch. 2 ETR Regulations)

- curriculum framework – there must be a suitable curriculum framework, processes to plan for and achieve student learning outcomes, and the school must ensure there is ongoing assessment, monitoring and reporting on student performance (ref cl 6, 2 and 3 of Sch. 2 ETR Regulations)
- teachers – all teachers must be registered with or have approval to teach from the Victorian Institute of Teaching (VIT), and must have complied with the requirements of the **Working with Children Act 2005** (ref cl 4 and 5 of Sch 2 ETR Regulations)
- student welfare – the care, safety and welfare of students must comply with all laws, the attendance of students must be properly monitored, and an attendance register for students must be maintained (ref cl 12, 10 and 11 of Sch 2 ETR Regulations)
- managing risk of child abuse – commencing on 1 August 2016, the school must have developed policies, procedures, measures and practices in accordance with the Ministerial Order for managing the risk of child abuse (ref s4.3.1(6)(d)). (Note: Ministerial Order No. 870 has been published in the 7 January 2016 edition of the Victoria Government Gazette, and is available at <http://www.gazette.vic.gov.au/gazette/Gazettes2016/GG2016S002.pdf> )
- anaphylaxis – if the school has enrolled a student at risk of anaphylaxis, the school must have an anaphylaxis management policy containing matters required by the Ministerial Order (ref s4.3.1(6)(c)). (Note: Ministerial Order No. 706 has been published in the 17 December 2015 edition of the Victoria Government Gazette, and is available at <http://www.gazette.vic.gov.au/gazette/Gazettes2015/GG2015G050.pdf#page=26>)
- discipline – the school must have policies relating to student discipline that are based on principles of fairness and do not permit corporal punishment (ref s4.3.1(6)(a))
- enrolments – the school must have minimum student enrolments, a legal enrolment policy and an enrolment register (ref cl 7, 8 and 9 of Sch 2 ETR Regulations)
- infrastructure – the school’s buildings, facilities and grounds must comply with all laws that apply to schools, and the educational facilities must be suitable for the educational programs being offered (ref cl 13 and 14 of Sch 2 ETR Regulations)
- report to school community – information on the school’s performance must be made available to the school community at least once a year (ref cl 18 of Sch 2 ETR Regulations)
- compliance with conditions of registration and standards - the school must comply with any condition of its registration, and must have policies and procedures to enable it to comply with the relevant standards (ref cl 20 and 21 of Sch 2 ETR Regulations). The following conditions are relevant:
  - all schools and persons involved in a school’s management must participate in the review and evaluation process (ref s4.3.1(7) ETR Act)
  - all non-government schools and persons involved in the management of the non-government school must comply with any requirement of the VRQA for the purpose of monitoring or assessing the school’s financial capabilities (ref s4.3.1(6B) ETR Act).
- compliance with the Act and regulations – the school must comply with the requirements of the Act and Education and Training Reform (ETR) Regulations (ref cl 19 of Sch 2 ETR Regulations). This requires all schools, in addition to the matters listed in the previous dot points, to comply with the following:
  - the school must be conducted at the place, year levels and as the type for which it is registered (ref reg. 62 ETR Regulations)
  - the principal must notify the VRQA within 30 days of any changes to the details in the school’s application for registration relating to:
    - o the name or contact details of its principal, school board chair or proprietor
    - o the address of the school or a campus
    - o the religious or other affiliation of the school
    - o any other information provided in its application for registration at the request of the VRQA (ref reg. 63 ETR Regulations).

- the principal or proprietor (if requested by the VRQA) must supply the VRQA with a report containing the following:
  - o information to enable the VRQA to assess whether the school complies with the relevant standards, the Act and ETR Regulations (ref reg. 64(1)(a) ETR Regulations)
  - o any changes to the school's details as recorded in the State Register (ref reg. 64(1)(b) ETR Regulations)
  - o any complaints lodged by the public concerning a breach by the school of the democratic principles and how the principal responded to the complaint (ref reg. 64(1)(c) ETR Regulations)
  - o information on the school's performance that was sent to the school community under cl 18 of Sch 2 ETR Regulations (ref reg. 64(1)(d) ETR Regulations).
- the proprietor or principal must arrange for a notice to be displayed at the main entrance to the school listing the school's name, the name of the proprietor or principal, and a statement that the school is registered and its type of registration, namely primary, secondary, co-educational etc (s4.3.6 ETR Act).

### **VRQA may require further information**

The VRQA may also require an applicant for registration of a school to provide further information or material that it reasonably requires to assess an application (ref s4.3.1(6) of the ETR Act).

### **Further information**

The following pages include further information on :

- adding a year level
- establishing an additional campus
- changing a school's type of registration
- changing a school's location
- changing a school's particulars
- assessing whether providers of senior secondary accredited courses are fit and proper to be registered (ref s4.2.2(3) ETR Act)
- bushfire preparedness.

### **Schools offering an accredited senior secondary course**

Schools offering the VCE, VCAL or the IB Diploma, or part of any such accredited senior secondary course must also meet additional requirements. These are explained in page 23 of these guidelines.

### **Bushfire preparedness**

The Victorian Bushfire Royal Commission (VBRC) Interim Report proposed that:

- 'Improvements to bushfire preparedness could be built into the registration requirements for government and non-government schools alike.' (paragraph 8. p.134)
- 'The Victorian Registration and Qualifications Authority ensures that government and non-government schools are audited as part of the review process to ensure they have adequate bushfire safety procedures in place' (paragraph 8. p.151).

In February 2010, the VRQA Board endorsed the *Guidelines for Registered Schools on Bushfire Preparedness* resulting from the *Report of the Bushfire Royal Commission*. On 5 August 2014, the VRQA Board revised and approved the guidelines.

For ease of reference, the evidence requirements have been incorporated into this guide. The guidelines are available at <http://www.vrqa.vic.gov.au/registration/Pages/schbushfire.aspx>.

**How to apply to register a new school**

An individual or organisation applying to operate a new school should do so using the Application to register a school form available from the VRQA (ref 4.3.1(5) of the Act). The form explains how to make an application, and the information and categories of evidence required. These guidelines include those requirements and explain what evidence is required, and should be referred to when completing the form.

These guidelines also include the requirements of Schedule 3 of the ETR Regulations, which lists the particulars, information and documents required to be provided to the VRQA if seeking registration as a school.

**How to amend the registration of a school**

A registered school applying to amend its registration (such as adding a year level or an additional campus) should do so using the appropriate application form. The form explains how to make an application and the information and categories of evidence required. This guide explains what evidence is required.

**Registration reviews and appeals***Review of compliance*

Once the school is registered, the VRQA may review and evaluate its compliance with the minimum standards and other requirements. It will do so within five years of the school's initial registration or previous review.

The Act requires a school to participate in its review and to provide the VRQA with enough evidence to establish that it is complying with the minimum standards.

The VRQA can base its evaluation on:

- its analysis of data and other evidence of its compliance provided by the school
- a visit to the school by the VRQA or by a person or body approved by the Authority to review the school's compliance
- a combination of these two processes
- another agreed model of quality assurance.

The VRQA may also require, from time to time, a school to report on any matter pertaining to its registration and its compliance with the minimum standards and other requirements.

*Consequences of non-compliance*

The VRQA may assess any of the following:

- the financial capabilities of a non-government school (ref s4.3.1A)
- a school's compliance with the prescribed minimum standards – this is called a general review (ref s4.3.3(2)(a))
- a school's compliance with a specific prescribed minimum standard if it believed student safety requires urgent action, or a non-government school is or may soon become financially unviable or exceptional circumstances exist - this is called a specific review (ref s4.3.3(2A))
- a school's compliance with a condition imposed by the VRQA on its registration (ref s4.3.3(2)(b)).

The VRQA may take a range of actions following an assessment depending on the type of assessment and seriousness of the results. Examples are set out below.

Following a financial capabilities assessment, the VRQA may report to parents that the non-government school is no longer financially viable, or may require the school to put in place a student fee protection scheme in accordance with any Ministerial Order (ref s4.3.1A(3)).

Following a general or specific review, if the VRQA determines that a registered school does not comply with one or more of the minimum standards or has not complied with a condition of its registration (ref 4.3.3), it may:

- impose conditions on the school's registration
- prohibit the school from enrolling any new students
- require the school to report its non-compliance to parents
- suspend or cancel the school's registration
- accept a written undertaking from the proprietor or principal of the school, and apply for a Court Order if the undertaking is breached (ref 4.3.3D).

The VRQA's enforceable undertaking policy can be accessed at <http://www.vrqa.vic.gov.au/Documents/enforceable%20undertaking%20policy.docx>.

The VRQA may also impose interim conditions on a school before a review is completed (ref s4.3.3E), and may also suspend or cancel the registration of a non-government school in the following circumstances:

- if it has ceased to operate, or will cease to operate within 30 days
- the school's proprietor is an individual who has become an insolvent under administration
- the school's proprietor is a body corporate that has been or will be compulsorily wound up.

### **Appeals of registration decisions**

A person whose interests are affected by a VRQA decision to reject a registration application or to cancel or suspend a registration can apply to the Victorian Civil and Administrative Tribunal (VCAT) to review the VRQA's decision. The application to VCAT must be made within 28 days after the later of:

- the day on which the decision was made, or
- if a person requests a statement of reasons for the decision, the day on which the statement was provided, or the person was informed that a statement of reasons would not be given (ref s4.8.1).

### **Complaints about compliance**

The VRQA is required to investigate a complaint alleging a breach of obligations by a school in relation to the democratic principles, the availability of information about the school's performance or the right of a parent or student to access information about the student's achievement (ref ETR Regulations 82 to 85).

#### **Details of the relevant obligations are as follows:**

- all providers of school education, both government and non-government, must ensure that their programs and teaching are delivered in a manner that supports and promotes the principles and practice of Australian democracy. These principles include a commitment to elected government, the rule of law, equal rights for all before the law, freedom of religion, freedom of speech and association, and the values of openness and tolerance
- information about the performance of education and training providers should be publicly available
- a school community has the right to information about the performance of its school
- a parent or guardian of a student and the student has the right to access information about the student's achievement.

A complainant must first raise the concerns with the principal or governing body of the school or, in the case of a system school, for example government or Catholic, with the relevant system body. The school, governing or system body must be given a reasonable time to respond. If not satisfied with the response, the complainant may then write to the VRQA detailing the concerns and asking for an investigation.

The VRQA may investigate a wide range of complaints, including, but not limited to, those relating to the democratic principles. The VRQA's policy and procedures on complaints are available at: <http://www.vrqa.vic.gov.au/complaints/Pages/process.aspx>.

Some complaints may involve an issue of a school's compliance with the relevant standards, which could result in a general or specific review being undertaken by the VRQA of the school's compliance with the standards.

## THE MINIMUM STANDARDS

**Note** the text in the shaded boxes throughout this guide is directly (or has been drawn) from the **Education and Training Reform Act 2006** or the Education and Training Reform Regulations 2007.

### SCHOOL GOVERNANCE

#### Democratic principles

The programs of, and teaching in, a school must support and promote the principles and practice of Australian democracy, including a commitment to:

- (a) elected government
- (b) the rule of law
- (c) equal rights for all before the law
- (d) freedom of religion
- (e) freedom of speech and association
- (f) the values of openness and tolerance.

Nothing in this clause is intended to affect the rights accorded to, or the compliance with any obligation imposed on, a school under an enactment of the State or of the Commonwealth.

*Sch. 2 clause 1 of the Education and Training Reform Regulations 2007.*

#### Intent

To ensure that a school is established in line with and operates consistently with the principles of Australian democracy.

#### Evidence guide

There must be evidence in the form of a statement affirming the school's adherence to the principles such as might be included in the school's constitution, prospectus, handbook or policies (ref ETR Regulations sch 3 clause 13).

#### Explanatory notes

The ETR Regulations state that nothing in this standard 'is intended to affect the rights accorded to, or the compliance with any obligation imposed on, a school under an enactment of the State or of the Commonwealth'.

For example, the **Equal Opportunity Act 2010** allows a school to operate wholly or mainly for students of a particular sex, race, religious belief, age or age group. This enables a school established by a particular religious denomination or group of religious denominations to give preference in its enrolment policy to adherents of that denomination(s) or their children.

#### Structure

The governance of a school must be structured to enable

- (a) the effective development of the strategic direction of the school and
- (b) the effective management of the finances of the school and
- (c) the school to fulfil its legal obligations.

*Sch. 2 clause 15(1) of the Education and Training Reform Regulations 2007*

#### Intent

To ensure that a school's governing structure enables it to properly manage the above responsibilities.

*Evidence guide*

The Act defines the role and responsibilities of a government school council. The Department of Education and Training monitors adherence to this standard by government schools.

For a non-government school, there must be evidence in the form of:

- an outline of the governing body's structure and membership, including details of the experience and expertise of the members of the board, and the name and registered type of the legal entity (where applicable)
- the company or association's constitution or rules of association which outline the structure and legal obligations of the board of the company or association
- the most recent financial statement for the company or association which must be audited
- the school's governance charter, outlining the key functions and responsibilities of the school board
- the school's strategic plan, and the school's business plan which is certified by a qualified accountant, ensuring that it includes:
  - enrolment estimates and assumptions
  - the estimated socioeconomic status of students and assumptions underpinning this status
  - estimated State and Commonwealth grant funding
  - five year forecast financial statements
  - a description of any service agreements between the school and third parties.

Evidence may but will not necessarily include:

- policies relating to the operation, professional development, review and induction of the governing body and its members.

**Probity**

The proprietor, any member of the governing body and any principal of a non-government school

- (a) must be of good character and
- (b) must be able to carry out their responsibilities in relation to the operation of the school.

*Sch. 2 clause 5(2)(a) and (b) of the Education and Training Reform Regulations 2007*

*Intent*

To ensure that the proprietor, governing body members and principal of a non-government school are of good character and have the necessary skills, knowledge and experience to support the school's governing body to govern effectively.

*Evidence guide*

There must be evidence in the form of a completed *Declaration of Good Character* for each proprietor, member of the governing body and principal.

*Explanatory notes*

The Minister may make provision for the membership of government school councils. The eligibility of government school principals is dealt with under another part of the Act or by way of a Ministerial Order. Under clause 15(2) of the ETR Regulations 2007, the following people are not allowed to be a proprietor, governing body member or principal of a non-government school:

- a person found guilty of an offence which is (or which would if committed in Victoria be) an indictable offence
- a person who is bankrupt or who has taken the benefit of any law for the relief of bankrupt debtors, or compounded with his or her creditors or made an assignment of his or her property for their benefit

- a person who is a represented person under the **Guardianship and Administration Act 1986**
- a person who, if required under the **Working with Children Act 2005** to obtain an assessment notice under that Act to carry out any responsibilities in relation to the school, is in breach of any requirements of that Act.

In the case of a body corporate, a proprietor, governing body member or principal of a non-government school must not be an externally administered body corporate as defined in the **Corporations Act 1986**.

The VRQA may exempt a person from the requirement to comply with this standard if it considers that the requirement for compliance is inappropriate, bearing in mind:

- the nature and gravity of the person's offence and its relevance to conducting a school
- the period of time since the person committed the offence
- the sentence imposed for the offence
- whether or not the conduct that constituted the offence has been decriminalised since the person committed it
- the person's behaviour since committing the offence
- any information given by the person in, or in relation to, the application for registration of the school
- any other matter the VRQA considers relevant.

### Philosophy

A school must have a clear statement of its philosophy.

*Sch. 2 clause 16 of the Education and Training Reform Regulations 2007*

#### Intent

To ensure that a school is clear about its philosophy and can articulate it to staff, students, parents, guardians and the school community.

#### Evidence guide

There must be evidence in the form of a statement of the school's philosophy which includes the vision, mission, values and objectives of the school.

#### Explanatory notes

A statement of the school's philosophy enables the school's leadership to make clear to current and prospective staff, students and parents the nature of the school. Such a statement also provides a foundation for the school's strategic planning decisions and for performance reviews. The statement could be contained in the school's Articles of Association, prospectus, handbook, website, strategic plan or business plan.

### Not-for-profit status

A school must be a not-for-profit school.

*Sch. 2 clause 17 of the Education and Training Reform Regulations 2007*

*Transition arrangements apply, see Explanatory notes*

#### Intent

To ensure that a school is not established or conducted for the purpose of profit or gain.

*Evidence guide*

There must be evidence in the form of:

- a copy of the school's constitution
- a copy of the constitution of the legal entity or proprietor
- an executed Attestation of the school's not-for-profit status.

*Explanatory notes*

A non-government school registered before 1 July 2007 may continue to operate for profit. However, the school will be required to operate on a not-for-profit basis if, on or after 1 July 2007, the registration of the school is amended by the VRQA to include an additional campus or year level (ETR Regulation 135).

**ENROLMENT****Student enrolment numbers**

A school must have a minimum of 20 students enrolled in the school.

A secondary school must have an average enrolment of 10 or more students for each year level for which the school is registered.

*Sch. 2 clause 7 of the Education and Training Reform Regulations 2007. Transition arrangements and exceptions apply; see Explanatory notes*

*Intent*

To ensure that a school has sufficient students to be able to provide a range of curriculum programs and learning experiences that will support the academic and social development of students.

*Evidence guide****For a school applying to register***

There must be evidence in the form of the planned number of enrolments, as declared in the *Application to register a school* form. The actual numbers must be provided to the VRQA upon the earliest of the following events –

- (a) the school commences operation or
- (b) as soon as they become known or available (ETR Regulation 56(2)).

***For a registered school***

There must be evidence in the form of the enrolment register that records that the school has as many or more students than the minimum number required by the standard, or than the minimum number as otherwise approved by the VRQA.

*Explanatory notes*

The minimum enrolment of 20 does not apply to a primary school located outside the Melbourne Statistical Division or outside an urban centre with 20,000 people or more, or to a specialist school. However, such a school must have 11 or more students.

The VRQA can approve a lower minimum number of enrolments if it is satisfied that:

- the school has sufficient students to provide instruction commensurate with students' year levels
- taken as a whole, the school substantially addresses the eight learning areas unless one or more of the learning areas is exempt, or if the school is registered for a specific purpose that reflects the type of educational program relating to that registration
- special circumstances apply, in which case the Authority must publish the reason for its approval of a smaller minimum number on its website (ETR Regulation 53 of the ETR Regulations 2007).

*Transitional provisions*

The minimum enrolment of 20 does not apply to a government school that immediately before 1 July 2007 had less than 20 students as long as enrolments do not drop below the number of enrolments that it had on 30 June 2007. If they do, the minimum requirement of 20 will immediately apply (Regulation 134(1) of the ETR Regulations 2007).

The minimum enrolment of 20 does not apply to a nongovernment school if the Minister approved the school to open with fewer enrolments. However, it must not operate with fewer than the approved number of enrolments (Regulation 134(2) of the ETR Regulations 2007).

The minimum secondary school enrolment of an average of 10 students per year level does not apply to a government school that immediately before 1 July 2007 had fewer than this minimum requirement as long as enrolments do not drop below the school's minimum number of enrolments it had on 30 June 2007. If it does, the minimum standard will immediately apply (Regulation 134(3) of the ETR Regulations 2007).

The minimum secondary school enrolment of an average of 10 students per year level does not apply to a non-government school that when the school opened had fewer than this minimum requirement as long as enrolments do not drop below the school's number of enrolments when it opened. If they do, the minimum standard will immediately apply (Regulation 134(4) of the ETR Regulations 2007).

**Enrolment policy**

A school must have a clearly defined enrolment policy that complies with all applicable State or Commonwealth laws.

A school established by a particular religious denomination or by a group of religious denominations may have an enrolment policy that gives preference to adherents of that religious denomination or denominations or their children.

*Sch 2 clause 8 of the Education and Training Reform Regulations 2007*

*Intent*

To ensure that a school's enrolment policy takes account of all laws including those relating to discrimination including the duty to make reasonable adjustments, equal opportunity, privacy and immunisation.

*Evidence guide*

There must be evidence in the form of a copy of the school's enrolment policy which is consistent with all legal requirements, and details of how it will be implemented for a school applying to register or how it is currently implemented for an existing school.

**Register of enrolments**

A register of enrolments must be maintained that contains, the following information in relation to each student enrolled at the school:

- (a) the student's name, age and address
- (b) the name and contact details of any parent or guardian of the student
- (c) the date of enrolment of the student
- (d) the date the student ceased to be enrolled at the school (if applicable).

*Sch. 2 clause 9 of the Education and Training Reform Regulations 2007*

*Intent*

To ensure that a school maintains an enrolment register that includes, at a minimum, the information required in the standard.

*Enrolment register and attendance register*

An enrolment register and an attendance register must be kept (sch 2 clauses 9 to 11 of the ETR Regulations 2007).

They serve different purposes. The enrolment register records the total number of students enrolled in the school, whereas the main purpose of the attendance register is to record the daily attendance of each student and reasons for any absences (see page 16 for details on the attendance register).

*Evidence guide for enrolment register****For a school applying to register***

There must be evidence in the form of:

- the school's enrolment register
- processes and procedures to ensure the enrolment register will be kept up-to-date.

***For a registered school***

There must be evidence in the form of:

- an enrolment register that is accurate, up-to-date and contains the information required in the standard
- processes and procedures to ensure the enrolment register is kept up-to-date.

## CURRICULUM AND STUDENT LEARNING

**Curriculum framework**

A curriculum framework for a school must be in place –

- (a) for the organisation and implementation and review of the school's curriculum and teaching practices; and
- (b) to ensure that, taken as a whole, the learning areas in Schedule 1 to the Act are substantially addressed.

*Sch. 2 clause 6 of the Education and Training Reform Regulations 2007. Exceptions apply, see explanatory notes*

*Intent*

To ensure that a school provides all students with a planned and structured curriculum to equip them with the knowledge, skills and attitudes needed to complete their schooling and to make a successful transition from school to work, training or further education.

*Evidence guide****For a school applying to register***

There must be evidence in the form of:

- an explanation of how appropriate time will be allocated across the eight learning areas
- an explanation of how and when curriculum and teaching practice will be reviewed
- an outline of how the school will deliver its curriculum, whether through the Australian Curriculum, AusVELS or other approved curriculum programs, integrated programs or online learning
- a whole-school curriculum plan showing how the curriculum will be organised.

Evidence may but will not necessarily include:

- yearly curriculum program plans for each cohort of students
- an indication of how the eight learning areas will be addressed across the years of schooling.

***For a registered school***

- an explanation of how appropriate time is allocated across the eight learning areas
- an explanation of how and when curriculum and teaching practice is reviewed
- an outline of how the school delivers its curriculum, whether through the Australian Curriculum, AusVELS or other approved curriculum programs, integrated programs or online learning
- a whole-school curriculum plan showing how the curriculum is organised.

Evidence may but will not necessarily include:

- yearly curriculum program plans for each cohort of students
- an indication of how the eight learning areas are addressed across the years of schooling.

***Explanatory notes***

The eight learning areas are:

- English
- mathematics
- sciences (including physics, chemistry and biology)
- humanities and social sciences (including history, geography, economics, business, civics and citizenship)
- the arts
- languages
- health and physical education
- information and communication technology, and design and technology.

The VRQA may exempt a school from addressing one or more of the learning areas if the school is registered for a specific purpose, if it is a school for students with disabilities or for other reasons determined by the VRQA (ETR Regulation 52).

Students undertaking a senior secondary qualification are required to meet the requirements of the relevant awarding body (refer to page 23).

**Student learning outcomes**

A school must have processes in place that enable it to plan for, and achieve improvement in, student learning outcomes.

*Sch. 2 clause 2 of the Education and Training Reform Regulations 2007*

***Intent***

To ensure that a school has appropriate processes in place to support all its students to progress towards and achieve the learning outcomes normally expected for its student cohort, and for the school to plan and achieve improvements in those learning outcomes.

***Evidence guide***

There must be evidence in the form of a documented strategy to plan for and improve student learning outcomes.

***For a school applying to register***

Such a strategy must include statements of:

- what data (such as National Assessment Program – Literacy and Numeracy (NAPLAN) testing, senior secondary and On Track data) the school will collect to monitor outcomes
- how the school will analyse and use data to set goals and targets for outcomes, including for students at risk
- how the data will be analysed, used and reported.

**For a registered school**

Such a strategy must include statements of:

- what data (such as NAPLAN testing, senior secondary and On Track data) the school collects to monitor outcomes
- how the school analyses and uses data to set goals and targets for outcomes, including for students at risk
- how the data is being analysed, used and reported.

**Monitoring and reporting on students' performance**

A school must ensure that –

- (a) there is ongoing assessment, monitoring and recording of each student's performance at the school; and
- (b) each parent of a student enrolled at the school and the student has access to accurate information about the student's performance at the school.

The access to information must include at least two written reports, relating to the student's performance, from the school to the parent in each year of enrolment of the student.

*Sch. 2 clause 3 of the Education and Training Reform Regulations 2007*

**Intent**

To ensure ongoing assessment, monitoring and recording of all students' performance and to report on performance, in writing, to parents and guardians at least twice a year.

**Evidence guide**

There must be evidence in the form of the school's assessment and reporting policies and procedures, including how it meets Commonwealth Government student reporting requirements.

**STUDENT WELFARE****Care, safety and welfare of students**

A school must ensure that the care, safety and welfare of all students attending the school is in accordance with any applicable state or Commonwealth laws, and that all staff are advised of their obligations under those laws.

*Sch. 2, clause 12 of the Education and Training Reform Regulations 2007*

**Intent**

To ensure that:

- (a) a school has policies and procedures to provide students with a safe environment where the risk of harm is minimised and students feel physically and emotionally secure
- (b) all staff are advised of their obligations under the relevant laws.

**Evidence guide****Student welfare**

There must be evidence in the form of the school's policies and procedures with respect to:

- the duty of care owed to students
- student welfare
- bullying and harassment, including cyber bullying
- managing complaints or grievances.

**Student safety**

There must be evidence in the form of the school's policies and procedures with respect to the following:

- that it owes all students a duty of care to take reasonable measures to protect them from risks of injury that should have been reasonably foreseen
- that it owes a duty to take reasonable care that any student (and other person) on the premises will not be injured or damaged by reason of the state of the premises or of things done or omitted to be done in relation to the state of the premises
- that greater measures may need to be taken for younger students or students with disabilities
- proper arrangements for on-site supervision of students
- proper arrangements for supervision of students when engaged in off-site activities and which include consideration of the risk of bushfire in the activity location (refer to the Emergency Bushfire Management on page 14)
- ensuring the safety and welfare of students learning with an external provider (when the school contracts with another school, a registered training organisation or an organisation not registered as an education and training provider)
- ensuring all staff understand mandatory reporting, and the failure to disclose offence which commenced on 27 October 2014, and the failure to protect offence which commenced on 1 July 2015. In summary:
  - *the mandatory reporting obligation* is set out in Part 4.4 of the **Children, Youth and Families Act 2005**. Section 184 imposes an obligation on teachers, principals and other persons listed in s182, to make a mandatory report if they form a belief on reasonable grounds that a child is in need of protection on the grounds that the child has suffered, or is likely to suffer, significant harm because of physical injury or sexual abuse, and the child's parents have not protected, or are unlikely to protect, the child from harm of that type
  - *the failure to disclose offence* requires any adult (subject to specific exemptions) who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16, to report that information to police. Failure to disclose the information to police is a criminal offence. Further information can be obtained at: <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>
  - *the failure to protect offence* applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a school will become a victim of a sexual offence committed by an adult associated with that school. A person in a position of authority in the school will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. Organisations other than schools are also covered by the offence. Further information is available at: <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence>.

**Student care**

There must be evidence in the form of the school's:

- arrangements for ill students
- policy and procedures for distributing medicine
- current register of staff trained in first aid or a proforma for a school applying to register
- records of student medical conditions and management or a proforma for a school applying to register.

*Additional evidence*

There must also be evidence of the school's:

- accidents and incident register
- first aid policy and procedures
- internet use policy and procedures
- critical incident plan
- emergency management plan which must be reviewed at least annually and immediately after any significant incident (this plan must be site specific and include guidelines for emergency bushfire management).

There must also be evidence of how the school communicates policies and procedures on the care, safety and welfare of students to staff, students, guardians, parents and the school community.

**Managing the risk of child abuse (commencing 1 August 2016)**

The school (must have) developed policies, procedures, measures and practices in accordance with a Ministerial Order for managing the risk of child abuse including –

- (i) the implementation of minimum standards for a child safe environment; and
- (ii) responding to allegations of child abuse committed against a child enrolled at the school or committed by an employee or a student, contractor or volunteer of the school or other person connected with the school.

*Section 4.3.1(6)(d) of the Education and Training Reform Act 2006*

The above provisions commence on 1 August 2016, and from that date all schools must have developed policies, procedures, measures and practices in accordance with the Ministerial Order for managing the risk of child abuse.

The Ministerial Order No. 870 has been published in the 7 January 2016 edition of the Victoria Government Gazette, and is available at <http://www.gazette.vic.gov.au/gazette/Gazettes2016/GG2016S002.pdf>

**Anaphylaxis management policy**

If the school has enrolled a student in circumstances where the school knows, or ought reasonably to know, that the student has been diagnosed as being at risk of anaphylaxis, the school has developed an anaphylaxis management policy containing matters required by a Ministerial Order to be included in the policy.

*Section 4.3.1(6)(c) of the Education and Training Reform Act 2006*

Ministerial Order No. 706 has been published in the 17 December 2015 edition of the Victoria Government Gazette, and is available at <http://www.gazette.vic.gov.au/gazette/Gazettes2015/GG2015G050.pdf#page=26>.

Associated anaphylaxis guidelines issued by DET are available at [www.education.vic.gov.au/school/teachers/health/pages/anaphylaxischl.aspx](http://www.education.vic.gov.au/school/teachers/health/pages/anaphylaxischl.aspx).

These documents may assist applicants to develop the policy and procedures.

**Emergency Bushfire Management*****For a school applying to register:***

To confirm whether your school should be placed on the Bushfire At-Risk Register contact [bushfires@edumail.vic.gov.au](mailto:bushfires@edumail.vic.gov.au).

***For all schools***

All schools must regularly manage materials that may easily be ignited around buildings and facilities.

There must be evidence of:

- a schedule for monitoring and removal of materials that may be easily ignited, including branches overhanging buildings, debris and rubbish around and under buildings, including gutters, and dry grass and vegetation
- safe storage of flammable materials.

All schools must regularly monitor emergency access to buildings and grounds.

There must be evidence that:

- building exits are continuously kept clear of obstructions
- assembly points are designated and have appropriate access to emergency equipment
- there is access to facilities and grounds for emergency vehicles.

***For a school on the Bushfire At-Risk Register extra procedures, in addition to the above, apply***

Schools listed on the Bushfire At-Risk Register must have an Emergency Management Plan that details the school's response to managing bushfire risk including:

- closing the school on days declared Code Red
- on non-Code Red days in the event of bushfire or elevated risk:
  - maintain a heightened state of readiness
  - ensuring open lines of communication from local emergency services
  - be prepared/on standby to enact their Emergency Management Plan by:
    - o relocating students and staff to a nominated 'shelter-in-place' within the school site that is compliant with relevant regulations, and/or
    - o evacuating students and staff to an off-site safe area.
- responding appropriately to instructions from emergency services.

Schools listed on the Bushfire At-Risk Register must inform students, staff and parents/guardians about their specific bushfire preparedness arrangements and train relevant staff in their bushfire preparedness roles.

There must be records of:

- the provision of information on bushfire preparedness policy and procedures to staff (including relief staff) and parents/guardians
- the school's closure arrangements for Code Red days as per the schools' Emergency Management Plan
- training of staff with specific roles and responsibilities in preparing for, monitoring and executing emergency bushfire procedures, including the effective operation of relevant emergency equipment
- the practice of evacuation procedures and drills at least once per term during the October-April bushfire season. School evacuation drills must involve all students and staff moving to either a nominated on-site 'shelter-in-place' or an off-site evacuation point as per the school's Emergency Management Plan.

Schools listed on the Bushfire At-Risk Register must maintain a register updated at least once per term during the October-April bushfire season of bushfire emergency equipment and ensure it is in working order.

There must be evidence of:

- an updated register of bushfire emergency equipment, in working order, which may include: water systems and equipment; fire hydrants; hose reels and extinguishers; sprinkler systems; alarms; first aid materials and medical equipment; fire blankets and communication systems.

Schools listed on the Bushfire At-Risk Register must maintain notices of bushfire evacuation procedures and bushfire emergency contact numbers and locate them appropriately around the school.

There must be evidence of:

- notices of bushfire evacuation procedures and bushfire emergency contact numbers located appropriately around the school.

Schools listed on the Bushfire At-Risk Register must consult local agencies, where relevant, (the Country Fire Authority, Metropolitan Fire and Emergency Services Board, local council) on their bushfire preparedness and compliance with local bushfire regulation of buildings, facilities and grounds.

There must be evidence of:

- a record of annual visitation or consultation with relevant local agencies.

Schools listed on the Bushfire At-Risk Register with an on-site 'shelter-in-place' must consult with the relevant agency on the building's compliance with relevant regulations.

Required evidence to be compliant or maintain compliance:

- documentation certifying that any on-site 'shelter-in-place' is compliant with relevant agency minimum standards.

## Discipline

A school's policies relating to the discipline of students are based on principles of procedural fairness and must not permit corporal punishment.

**Education and Training Reform Act 2006 s. 4.3.1(6)**

### Intent

To ensure that a school has policies and procedures to promote a consistent and fair approach to student discipline.

### Evidence guide

There must be evidence in the form of:

- a policy that explicitly prohibits corporal punishment
- the school's behaviour management policy and procedures and how the policy and procedures ensure procedural fairness
- an outline of how the school communicates these policies and procedures to the school community.

Such policies and procedures may, but will not necessarily, include:

- an explanation of the school's approach to discipline and how it ensures procedural fairness
- procedures for suspension, expulsion and exclusion
- procedures for imposing penalties
- documentation and communication processes.

### Explanatory notes

Schools use a variety of approaches to promote good student behaviour and to reduce and resolve conflict between students and between students and staff. Whatever approach is adopted, it must be clear to the whole school community.

**Attendance monitoring**

Provision must be made at a school to:

- (a) monitor the daily attendance of each student enrolled at the school;
- (b) identify any absences of a student from school including classes;
- (c) follow up any unexplained absences of a student from the school or classes;
- (d) notify any parent or guardian regarding a student's unsatisfactory school or class attendance;
- (e) record information regarding a student's unsatisfactory attendance at school or classes on his or her student file.

*Sch. 2 clause 10, Education and Training Reform Regulations 2007*

**Intent**

This standard deals with monitoring the attendance of students. The next standard requires an attendance register to be kept for students of compulsory school age (ie 6–17 years).

To ensure that a school has policies and procedures to monitor students' attendance and to follow up unexplained or unacceptable absences.

**Evidence guide**

There must be evidence in the form of the school's procedures to:

- check the daily attendance of all students
- monitor daily attendance and identify absences from school or class
- follow up unexplained absences
- notify parents and guardians of unsatisfactory attendance
- record unsatisfactory attendance on students' files.

**Attendance register**

A school must maintain a student attendance register in which:

- (a) the attendance at the school of any child of compulsory school age is noted at least twice per day and
- (b) any reason given or apparent for the absence of the child from the school is noted.

*Sch. 2 clause 11 Education and Training Reform Regulations 2007*

**Intent**

To ensure that the attendance of students of compulsory school age (ie between 6 and 17 years) is recorded systematically and that a school has adequate records to follow up absences.

**Evidence guide****For a school applying to register**

There must be evidence of the form that the attendance register will take.

**For a registered school**

There must be evidence in the form of a register of the attendance of all students at the school, for each calendar year. The register must show twice-daily attendance checks and any reasons for absence.

**Explanatory notes**

Section 2.1.4 of the Act empowers a school principal or teacher to ask a parent of an enrolled student of compulsory school age for an explanation of the student's failure to attend the school at a time when the school was open for instruction. The section also requires the principal to ensure that a record in writing is kept of the reasons (if any) given by the parent.

## STAFF EMPLOYMENT

**Teachers' requirements**

All teachers employed to teach at a school must be registered under Part 2.6 of the Act or be granted permission to teach under that Part and comply with any condition, limitation or restriction of that registration or permission to teach.

*Sch.2 clause 4(1) Education and Training Reform Regulations 2007*

*Intent*

To ensure that only teachers registered with the Victorian Institute of Teaching, or who have permission to teach, are employed to teach at a school.

*Evidence guide*

There must be evidence in the form of a register of teachers containing each teacher's name and their teacher registration number, the Victorian Institute of Teaching category of registration (provisional registration, full registration, permission to teach) and the expiry and renewal date of the teacher's registration.

*Explanatory notes*

The Victorian Institute of Teaching is responsible for the registration (including provisional and interim registration) of teachers employed in Victorian schools.

**Compliance with the Working with Children Act 2005**

The requirements of the **Working with Children Act 2005** must be complied with in respect of the employment of all staff at a school.

*Sch. 2 clause 5 Education and Training Reform Regulations 2007*

*Intent*

To ensure that all people employed at a school meet the requirements of the **Working with Children Act 2005**.

*Evidence guide****For a school applying to register***

There must be evidence in the form of:

- procedures to ensure that all staff required to do so by the **Working with Children Act 2005** have a current Working with Children Check
- a register of staff with a Working with Children Check
- procedures for maintaining the register.

***For a registered school***

There must be evidence in the form of:

- a register of staff with a Working with Children Check
- procedures for maintaining the register.

*Explanatory notes*

The **Working with Children Act 2005** requires all employees, self-employed people and volunteers to obtain a Working with Children Check if they:

- are involved in defined categories of child-related employment
- have regular, direct contact with children that are not directly supervised.

The Working with Children Check is a criminal record check for sex, violence and drug offences and for relevant findings by the Victorian Institute of Teaching.

A teacher registered with the Victorian Institute of Teaching does not need a Working with Children Check.

A teacher whose registration is suspended is not registered and must not teach. If they are employed in a non-teaching capacity they need a Working with Children Check. For more information about who needs to apply for a Working with Children Check, see [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren)

## SCHOOL INFRASTRUCTURE

### **Buildings, facilities and grounds**

A school's buildings, facilities and grounds must comply with any laws that apply to the school including local laws and building, planning and occupational health and safety laws.

*Sch. 2 clause 13 Education and Training Reform Regulations 2007*

#### *Intent*

To ensure that a school's buildings, facilities and grounds meet all legal standards and fully comply with health and safety requirements.

#### *Evidence guide*

There must be evidence in the form of:

- a permit to operate an education centre on the site
- evidence that buildings and facilities comply with local planning regulations and with the Building Code of Australia, Class 9b
- an essential services register
- a maintenance schedule for buildings, facilities and grounds
- rental or lease arrangements (if applicable)
- policy and procedures for occupational health and safety.

#### *Explanatory notes*

In some cases a school may choose to seek advice from, or be reviewed by, an external agency (such as Victorian WorkCover Authority) to establish its compliance with occupational health and safety requirements.

A school on the Bushfire At-Risk Register with an on-site 'shelter-in-place' must comply with the VRQA Guidelines for Registered Schools on Bushfire Preparedness. Refer to page 14 of these guidelines.

In some cases, a certificate of continual use can be provided in lieu of a planning permit.

### **Educational facilities**

The educational facilities of a school must be suitable for the educational programs offered by the school and the age levels of the students attending the school.

*Sch. 2 clause 14 Education and Training Reform Regulations 2007*

#### *Intent*

To ensure that a school's facilities are adequate for effective delivery of the school's curriculum and co- curricular programs and suit students' various ages and developmental stages.

#### *Evidence guide*

There must be evidence in the form of a plan of the school showing the location of facilities available for each program offered across the school day.

**OTHER STANDARDS****REPORTING TO THE VRQA**

The proprietor or principal of a registered school must provide to the Authority in accordance with the Regulations a report containing the information required.

**s.4.3.5(1) Education and Training Reform Act 2006**

Reg 64(1) of the Education and Training Reform Regulations 2007 lists the relevant information for the purpose of the above section and is reproduced below:

64(1). For the purpose of section 4.3.5(1) of the Act, the information to be contained in a report to the Authority must –

- (a) show that, and enable the Authority to assess whether, the registered school –
  - (i) continues to comply with each of the prescribed minimum standards for registration set out in Schedule 2; and
  - (ii) complies with any other requirements of the Act or these Regulations; and
- (b) advise the Authority of any changes in the details contained in the State Register relating to the school; and
- (c) at the request of the Authority, advise the Authority of—
  - (i) any complaint lodged by any member of the public alleging any breach by the school of an obligation under these Regulations to implement any of the principles in section 1.2.1(a), (c), (e) and (f) of the Act; and
  - (ii) how the principal of the school responded to that complaint; and
- (d) at the request of the Authority, include a copy of the information made available under clause 18 of Schedule 2.

*Notes: Clause 18 of Schedule 2 deals with the schools obligation to provide information to the school community on its performance at least once a year. It is reproduced in the next column.*

*The above obligations are a standard by operation of sch 2 clause 19 of the ETR Regulations, which requires a school to comply with the Act and regulations.*

**Intent**

To ensure that a school, when requested to do so, provides the VRQA with the information it needs to carry out its responsibilities under the Act and Regulations.

**Explanatory notes**

Once a school is registered, the VRQA may require the proprietor or principal to provide a report that helps it assess:

- whether the school is continuing to comply with the minimum standards or other requirements
- whether any of the information in the State Register needs to be updated
- any complaint made involving the school
- whether the school is complying with the requirements of relevant legislation and regulations.

The VRQA must give the proprietor or principal a reasonable time to comply with its request for information. The proprietor or principal must comply with the request within the time specified in the request. The VRQA's request and the information provided must be in writing, unless the parties agree otherwise.

Wherever possible, the VRQA will try to avoid duplicating reporting requirements.

## INFORMATION ABOUT SCHOOL PERFORMANCE

Information about a school's performance must be made available to the community of the school at least once a year.

The information must include:

- (a) a description and analysis of student learning outcomes in statewide tests and examinations for the current year (and for the last two years if the school has been established that long)
- (b) a description and analysis of rates of student attendance for the year
- (c) a report of the school's financial activities
- (d) copies of any other reports the school is required to provide under State or Commonwealth funding agreements.

*Sch. 2, clause 18 Education and Training Reform Regulations 2007*

*Intent*

To ensure that a school monitors and reports to the school's community on its performance against key indicators.

*Evidence guide*

There must be evidence in the form of:

- a copy of the school's annual report that contains the mandatory information
- the information required under regulation 60 of the Australian Education Regulations 2013. That regulation lists the information a school must make publicly available as a condition of Commonwealth funding; an outline of how the report is distributed and promoted
- details of where or how the school community can access the information the school's authority is required to make publicly available under regulation 60 of the Australian Education Regulations 2010.

## ADDING A YEAR LEVEL

A registered school must seek Authority approval to offer or conduct a year level of schooling in addition to those for which it has been registered.

It is a condition of registration of a school that only those year levels of schooling in respect of which the school is registered be offered or conducted at the school.

*Reg 62(a) of the Education and Training Reform Regulations 2007*

An application to include an additional year level at the school must –

- (i) contain all the particulars and information listed in Schedule 5; and
- (ii) be accompanied by evidence that the school will continue to be conducted as a not-for-profit school;

*Reg 60(c) of the Education and Training Reform Regulations 2007*

*Intent*

To ensure that a registered school intending to offer or conduct a year level for which it is not registered applies well in advance to the VRQA to do so.

*Evidence guide*

There must be evidence in the form of:

- the following information as required under Schedule 5 of the ETR Regulations:
  - the name and address of the school
  - the contact person for the application
  - the year level of education to be added and the organisation of the year level

- the date of commencement of the year level
- the number of students to be enrolled at the year level
- the names and total number of the teaching staff to be employed for the year level and the academic qualifications, registration number and registration status of each member of the teaching staff
- the physical (buildings, facilities and grounds) and educational facilities available for the year level
- the curriculum to be offered for the new year level
- evidence that the school is not-for-profit.

#### ESTABLISHING AN ADDITIONAL CAMPUS

A registered school must seek Authority approval to include an additional campus at the school.

It is a condition of registration of a school that the school or any part of the school will only be conducted at a campus or place (excluding school camps or excursions or places outside of Victoria) in respect of which it is registered.

Reg 62(c) of the Education and Training Reform Regulations 2007

An application to include an additional campus at the school must—

- (i) contain all the particulars and information listed in Schedule 4; and
- (ii) be accompanied by any documentation referred to in Schedule 4; and
- (iii) be accompanied by evidence that the school will continue to be conducted as a not-for-profit school

*Reg 60(b) of the Education and Training Reform Regulations 2007*

#### *Intent*

To ensure that a registered school intending to include an additional campus at the school applies well in advance to the VRQA.

#### *Evidence guide*

There must be evidence in the form of:

- the following information as required under schedule 4 of the ETR Regulations:
  - the name and address of the campus in respect of which the application is being made
  - the name and address of the registered school of which the new campus will be part of
  - the date of the proposed opening of the campus
  - the year levels of education to be provided by the campus and the curriculum to be offered by the campus
  - the age range and number of students to be enrolled in the campus at each year level
  - the names and total number of the teaching staff to be employed at the campus and the academic qualifications, registration number and registration status of each member of the teaching staff
  - the physical (buildings, facilities and grounds) and educational facilities to be provided by the campus
  - if the addition of the campus will involve any change to the school's current type of registration, which one or more of the following types of school the school is to be registered as –
    - a) a primary school
    - b) a secondary school
    - c) a co-educational school

- d) a single sex school
  - e) a specific purpose school
  - f) a specialist school.
- The full name, postal address, telephone number, facsimile number and email address of the campus principal (if any).
- The full name, postal address, telephone number, facsimile number and email address of –
  - a) the chair of any governing body of the campus that reports to the governing body of the school; or
  - b) the chair of any sub-committee of the governing body that governs the campus.
- Documents accompanying the application that—
  - a) evidence that the buildings, educational facilities and grounds of the campus comply with all relevant statutory requirements; and
  - b) show the policies of the campus relating to student behaviour including policies in relation to student engagement and the suspension or expulsion of students; and
  - c) show that it is to continue as a not-for-profit school.
- Details of the following matters if these vary from the registration details of the school –
  - a) the policies relating to compliance with the prescribed minimum standards for registration and the philosophy of the campus
  - b) the business plan for the campus
  - c) the governance structure for the campus
  - d) the contact person for the application and his or her contact details.
- details of how appropriate time is allocated across the learning areas for each year level and an explanation of how and when curriculum and teaching practice is reviewed
- a register of the Working with Children Check for all non-teaching staff and procedures for maintaining the register. A proforma is acceptable for a school applying to register
- details of the buildings, facilities and grounds, and the educational facilities, to be provided for the campus
- a plan of the school showing the location of facilities available for each program offered
- evidence that buildings etc. comply with relevant statutory requirements, this must include a 9b occupancy certificate
- a copy of the emergency management plan for the new campus (this must be site specific), including guidelines on bushfire preparedness
- an essential services register
- a maintenance schedule for buildings, facilities and grounds
- occupational health and safety policy and procedures
- rental or lease arrangements (if applicable).

#### *Explanatory notes*

The regulations state that ‘campus’ means a location at which part of a school is conducted or proposed to be conducted under the name of the campus as part of the school and -

- (a) the campus and the school have a common governing body or the governing body of the campus is responsible to the governing body of the school; and
- (b) in the case of a non-government school, the campus and the school have the same proprietor.

## CHANGING A SCHOOL'S TYPE OF REGISTRATION

A registered school must seek Authority approval to conduct a different school to the one that is registered.

A school must only be conducted as the type of school in respect of which it is registered.

*Reg. 62(b) of the Education and Training Reform Regulations 2007*

An application to change the type of registration must include any particulars or information, and be accompanied by any documentation, which the Authority reasonably requires for the purpose of assessing the application

*Reg. 60(d) of the Education and Training Reform Regulations 2007*

### *Intent*

To ensure that a registered school intending to vary the type of its registration applies well in advance to the VRQA to do so.

### *Evidence guide*

A school that intends to vary its type of registration must ensure that it meets all the minimum standards as they apply to its intended type of registration.

Further evidence is not required for standards where the school's compliance is not affected by the variation. For example, compliance with the democratic principles or enrolment register standards in most cases is unlikely to be affected by a variation in the type of registration. However, a variation is likely to affect compliance with other standards (for example, curriculum framework, educational facilities and student safety and welfare policies).

There must be evidence in the form of the evidence stated in other parts of this guide for all standards affected by the variation.

## CHANGING A SCHOOL'S LOCATION

It is a condition of registration of a school that the school or any part of the school will only be conducted at a campus or place (excluding school camps or excursions or places outside of Victoria) in respect of which it is registered.

*Reg 62(c) of the Education and Training Reform Regulations 2007*

An application to change the place of registration must include any particulars or information, and be accompanied by any documentation, which the Authority reasonably requires for the purpose of assessing the application

*Reg. 60(d) of the Education and Training Reform Regulations 2007*

### *Intent*

To ensure that a school does not change location without the VRQA's approval and that a registered school intending to vary the location of its registration applies well in advance to the VRQA to do so.

### *Evidence guide*

There must be evidence in the form of:

- a copy of the permit to operate an education centre on the site
- evidence that buildings, facilities and grounds at the new location comply with all relevant laws including local building, planning and occupational health and safety laws and regulations, and with the Building Code of Australia Class 9b
- an essential services register

- a maintenance schedule for buildings, facilities and grounds
- the school's occupational health and safety policy and procedures
- rental or lease arrangements (if applicable)
- a plan of the school showing the facilities available for each program offered across the school day.

#### CHANGING A SCHOOL'S PARTICULARS

The principal of the school must, in writing, notify the Authority within 30 days of any changes to the following particulars and information provided to the Authority in an application under Division 2 or Division 3—

- (a) the name or contact details of the principal or the president or chair (as the case requires) of the governing body of the school;
- (b) the address of the school or the address of any campus of the school (as the case requires);
- (c) the religious or other affiliation of the school;
- (d) the name or contact details of the proprietor (if any) of the school;
- (e) any other particular or information provided in the application on the request of the Authority

*Reg. 63 of the Education and Training Reform Regulations 2007*

#### *Intent*

To ensure that the VRQA has accurate and current information about a school's particulars.

#### *Evidence guide*

- There must be evidence in the form of written notification to the VRQA of changes (within 30 days of the change) of:
  - the name or contact details of the proprietor, principal, president or chair (as the case requires) of the school's governing body
  - the address of the school or any campus
  - the school's religious or other affiliation.

#### **MINIMUM STANDARDS FOR SCHOOLS OFFERING A SENIOR SECONDARY COURSE**

A senior secondary awarding body means a person or body that proposes to award, confer or issue a registered senior secondary qualification. The Victorian Curriculum and Assessment Authority (VCAA) and the International Baccalaureate (IB) are currently registered by the VRQA as awarding bodies. In Victoria, the accredited senior secondary qualifications are the Victorian Certificate of Education (VCE), the Victorian Certificate of Applied Learning (VCAL) and the International Baccalaureate Diploma (IB).

Schools applying to offer a senior secondary course leading to a senior secondary qualification must meet the minimum standards for schools as set out in the Act and the Education and Training Reform Regulations 2007 as well as the minimum standards for registration to provide an accredited senior secondary course (Reg. 74 and Schedule 7 Education and Training Reform Regulations 2007).

In this schedule, a senior secondary provider means a person, body or school providing or proposing to provide, an accredited senior secondary course.

## PRINCIPLES TO APPLY

The programs and teaching of a senior secondary education provider must support and promote the principles and practice of Australian democracy, including a commitment to:

- (a) elected government;
- (b) the rule of law;
- (c) equal rights for all before the law;
- (d) freedom of religion;
- (e) freedom of speech and association;
- (f) the values of openness and tolerance.

*Sch 7 clause 2 of the Education and Training Reform Regulations 2007*

The evidence required for this standard is addressed in the standard for a registered school under School governance- Democratic principles on page 7.

## GOVERNANCE AND PROBITY

- (1) The governance and management of a senior secondary education provider must be structured to enable the provider to effectively manage:
  - (a) the finances of the provider
  - (b) the physical environment of each place where the course is offered by the provider
  - (c) the staff of the provider
  - (d) the students enrolled in the course offered by the provider.
- (2) A senior secondary provider must ensure that suitable arrangements are in place:
  - (a) to enable the provider to respond to and supply any information requested by the Authority in regard to matters listed in section 4.3.11 (2) of the Act;
  - (b) to enable the provider to comply with any relevant guidelines issued by the Authority under section 4.3.11 (3) of the Act: and
  - (c) to enable the Authority to conduct an audit on the operation of the person, body or school in relation to the minimum standards.
- (3) If a senior secondary education provider is not the owner of an accredited senior secondary course, the provider must be authorised by the owner of the accredited senior secondary course to provide that course and must comply with the conditions relating to that authorisation.
- (4) A senior secondary education provider must not provide instruction in an accredited senior secondary course at a school unless it is a registered school.

*Sch.7 clause 7 ) of the Education and Training Reform Regulations 2007*

*Intent*

To ensure that a school's governing structure manages its responsibilities well in relation to senior secondary provision.

*Evidence guide*

The evidence required for the first part of this standard dealing with governance and management can be addressed by the information required in the standard for a registered school under School governance – Structure on page 7.

Schools wishing to offer the VCE or VCAL must first obtain the approval of the VCAA before they can satisfy the latter part of this standard. Schools wishing to obtain VCAA approval should lodge their material with the VRQA, which will arrange for the material to be assessed by the VCAA.

Schools wishing to offer the IB should contact the IB directly and seek approval.

Evidence will be required to show that the school meets other parts of the standard.

## STUDENT LEARNING OUTCOMES

A senior secondary education provider that provides, or proposes to provide, an accredited senior secondary course must:

- (a) deliver the course to the standards established by the awarding body for the qualification; and
- (b) ensure that a student who satisfactorily completes all of the course requirements will be entitled to be awarded the registered qualification.

*Sch. 7 clause 3 ) of the Education and Training Reform Regulations 2007*

If the school wishes to offer vocational education and training (VET) qualifications, it must meet the requirements of a registered training organisation.

*Intent*

To ensure a school understands the awarding body's requirements and course outlines.

*Evidence guide*

There must be evidence in the form of:

- current student and staff handbooks and course outlines for the accredited qualification
- sample student learning sequences or plans for the accredited qualification
- procedures and documentation to indicate that staff and students have been provided with current and accurate information about the awarding body's requirements including course standards, timelines and qualification requirements.

If the school shares responsibility for a senior secondary course with another provider, there must be evidence in the form of a copy of a written agreement between the providers stating how the requirements of the student learning outcomes standard will be met.

## STUDENT RECORDS AND RESULTS

- (1) A senior secondary education provider must have policies and procedures in place:
  - to maintain accurate student records and ensure the integrity of student assessments; and
  - if the provider is not the awarding body, to enable compliance with the requirements of the awarding body for the course with regard of the assessment program and the timely provision of student enrolments and results; and
  - if the provider is also the awarding body, to deal with the assessment program and the timely provision of student enrolments and results; and
  - to monitor patterns of student participation and completion rates, and the quality of outcomes of students in the registered senior secondary qualification; and
  - to undertake an annual analysis (that is made publically available) of student participation and completion rates and outcomes.
- (2) A senior secondary education provider must prepare and maintain records of student assessments and comply with appropriate requests to provide copies of a student's records to the student or a person authorised by the student to receive the records.
- (3) A senior secondary education provider must have processes in place that comply with the requirements of the awarding body for the course for the accurate and timely issuing of qualifications and for the retention, archiving and retrieval of sufficient information about student enrolments and results to enable the re-issue of statements and certificates if required.

*Sch 7 clause 5 of the Education and Training Reform Regulations 2007*

*Intent*

To ensure that the school has policies and procedures for senior secondary assessment, administration of records and monitoring and analysis of results.

*Evidence guide*

There must be evidence in the form of the policy and procedures for senior secondary assessment, administration of records and monitoring and analysis of results to meet the requirements of this standard.

If the school shares responsibility for a senior secondary course with another provider, there must be evidence in the form of a copy of a written agreement between the providers stating how the requirements of the student records and results standards will be met.

*Explanatory notes*

The evidence also needs to demonstrate an understanding of and compliance with the awarding body's requirements.

## STUDENT WELFARE

- (1) A senior secondary education provider must have policies and procedures in place that are consistent with any relevant legislation to ensure the care, safety and welfare of students and the provision of opportunities for students with special needs to access the course.
- (2) If two or more senior secondary education providers share the responsibility for providing an accredited senior secondary course or its components to a student, each of those providers must have procedures in place to identify and satisfy the legal duties owed to the student while the student attends, travels between or undertakes an excursion with the providers.

*Sch 7 clause 4 of the Education and Training Reform Regulations 2007*

*Intent*

To ensure the school has policies and procedures to provide students with a safe environment and opportunities for students with special needs to access courses.

To ensure there are appropriate procedures in place for students where two or more senior secondary education providers share the responsibility for providing an accredited senior secondary course.

*Evidence guide*

There must be evidence in the form of an outline of how students with special needs are able to access courses.

If the school shares responsibility for a senior secondary course with another provider, there must be evidence in the form of a copy of a written agreement between the providers stating how each manages its legal responsibilities for students who attend the course, travel between providers or go on excursions.

## TEACHING AND LEARNING

A senior secondary education provider must have:

- (a) qualified and competent staff to teach and assess the course; and
- (b) suitable teaching resources and physical facilities to provide the course; and
- (c) processes to ensure the consistent application of assessment criteria and practices; and
- (d) processes to oversee the conduct of assessments of the course including processes to conduct investigations and hearings and, if necessary, amend or cancel assessments.

*Sch 7 clause 6 of the Education and Training Reform Regulations 2007*

*Intent*

To ensure the school has competent and qualified staff to teach and assess the course and to ensure there are suitable teaching resources and physical facilities to provide the course.

*Evidence guide*

There must be evidence in the form of:

- a register of teachers' qualifications or the principal's attestation of teachers' qualifications
- a plan of the school showing the location of physical facilities to support the course
- an overview of teaching resources and that they meet the current requirements of the owner of the course
- policy and procedures to ensure the consistent application of assessment criteria and practices and to oversee the conduct of assessments of the course.

If the school shares responsibility for a senior secondary course with another provider, there must be evidence in the form of a copy of a written agreement between the providers stating how the requirements of the teaching and learning standard will be met.

**APPENDIX 1: DECLARATION OF GOOD CHARACTER**

<p>Answer ALL the following questions by crossing the correct box. Y stands for yes and N for no. Then date and sign the declaration. <b>To be completed by the proprietor, all governing body members and the school principal. A principal means a person appointed to the position as principal of a registered school or a person in charge of a registered school (the Act section 1.1.3).</b></p>	
Have you been found guilty of an offence which involved theft, dishonesty or fraud?	Y <input type="checkbox"/> N <input type="checkbox"/>
Have you been found guilty of an indictable offence which is, or which would if committed in Victoria be, an indictable offence?	Y <input type="checkbox"/> N <input type="checkbox"/>
Have you obtained education qualifications through dishonesty or assisted others to obtain education qualifications through dishonesty?	Y <input type="checkbox"/> N <input type="checkbox"/>
Are you, or have you been subject to, an order or a law disqualifying you from being employed by or involved in managing a school?	Y <input type="checkbox"/> N <input type="checkbox"/>
Have you been the subject of disciplinary action in any professional or occupational capacity that involved a finding of guilt?	Y <input type="checkbox"/> N <input type="checkbox"/>
Have you ever engaged in teaching:	
i. when not registered as a teacher as required under the laws of the relevant country? or	Y <input type="checkbox"/> N <input type="checkbox"/>
ii. if registered as a teacher, contravened a condition, limitation or restriction on which your registration was granted?	Y <input type="checkbox"/> N <input type="checkbox"/>
Are you or have you ever been bankrupt or have you taken the benefit of any law for the relief of bankrupt debtors, or compounded with your creditors or made an assignment of your property for your benefit?	Y <input type="checkbox"/> N <input type="checkbox"/>
<p><i>If you answered 'yes' to any question, please provide further details on a separate sheet of paper and attach it to this declaration.</i></p>	
<p>DECLARED on the _____ day of _____ 20____ (Day, month and year)</p>	
<p>by _____ (Name of person signing)</p>	
<p>the _____ (Title of person signing)</p>	
<p>with the authority of and for and on behalf of _____ (Name of school)</p>	
<p>X _____ (Signature of person making the declaration)</p>	

## APPENDIX 2: WHAT IS A NOT-FOR-PROFIT SCHOOL?

### SUMMARY

A 'not-for-profit' school has a specific meaning under the *Education and Training Reform Regulations 2007* (Regulations). The key elements which make a school 'not for profit' are that the school is not established for the purpose of generating profit or gain, and that the money and property received by the school during the course of its operations is only applied toward the conduct and furtherance of the school and is not used for another purpose.

Generating a profit or gain will not, of itself, mean that a school is 'for profit'. If the school applies those profits or gains toward the conduct of the school, then it is still capable of satisfying the 'not-for-profit' requirement. On this basis, the Regulations provide that a proprietor is not to be taken to conduct the school for the purpose of profit or gain if the proprietor makes a financial surplus in the course of the proper administration of the school.

### What are the requirements of a 'not-for-profit' school under the Regulations?

- 1 For the purposes of Regulation 7, a not-for-profit school is a school that satisfies all the following criteria:
  - the school is not established for the purpose of profit or gain
  - the proprietor of the school does not conduct the school for the purposes of profit or gain
  - no part of the profit or gain made in the conduct of the school is or may be distributed to any entity
  - all money and property received by the school or the proprietor of the school for the conduct of the school are applied solely towards the conduct of the school
  - the proprietor of the school is not a party to a Prohibited Agreement or Arrangement
  - in the case of a non-government school, on the closure of the school, any surplus assets of the school remaining after payment of the school's liabilities are required by the constitution or rules governing the school to be:
    - used by the proprietor of the school for providing education services to school-age children or for other not-for-profit purposes; or
    - given to a not-for-profit entity operating within Australia that provides education services to school children or that has similar purposes to the proprietor.
- 2 For the purposes of Sub Regulation 7 (1), a proprietor of a school is not to be taken to conduct the school for the purposes of profit or gain if the proprietor makes a financial surplus in the course of the proper administration of the school.
- 3 Interpretation

Unless otherwise stated, words or phrases in this appendix have the following meaning:

**'Conduct'** of a school includes:

  - fund-raising activities conducted solely for the school
  - the provision of goods and services and other matters or things to students attending the school
  - the provision of other educational or similar services.

**'Entity'** includes trust.

**'Prohibited agreement or arrangement'** means an agreement or arrangement that is made with an Entity that carries on business for profit or gain where:

  - (a) the purpose of the agreement or arrangement is to pay or divert any profit or gain made in the Conduct of the school to that Entity or any other Entity (other than a payment made in good faith for goods provided or services rendered to the school)

- (b) the agreement or arrangement:
  - (i) involves a payment by the school or the proprietor of the school for a purpose where the payment is excessive compared to the charges, fees, rates or costs for the time being prevailing in the community for payment for that purpose (other than a payment made in good faith for that purpose)
  - (ii) involves a gift, loan or similar payment by the school or the proprietor of the school (other than deposits made to a bank in connection with the Conduct of the school)
  - (iii) involves a payment by the school or the proprietor of the school that is not a payment made in good faith for goods provided or services rendered to the school.

**‘Proprietor’** in relation to a school includes the governing body of the school.

**APPENDIX 3: ATTESTATION OF SCHOOL'S NOT-FOR-PROFIT STATUS****About this attestation**

Under clause 17 of Schedule 2 of the Education and Training Reform Regulations 2007 (Regulations), a school must be a not for profit school if it:

- was registered on or after 1 July 2007; or
- was registered before 1 July 2007 and, on or after 1 July 2007, the registration of the school is amended by the VRQA to include an additional campus or year level.

**How to use this attestation**

Complete this attestation if the school is applying to:

- register for the first time or
- (if the school was registered before 1 July 2007) amend its registration by including an additional campus or year level. For further information, email the Victorian Registration and Qualifications Authority, [vrqa@edumail.vic.gov.au](mailto:vrqa@edumail.vic.gov.au).

**Definitions**

Unless otherwise stated, words and phrases in this appendix have the following meaning:

**‘Conduct’** of a school includes:

- fund-raising activities conducted solely for the school
- the provision of goods and services and other matters or things to students attending the school
- the provision of other educational or similar services.

**‘Entity’** includes a trust.

**‘Prohibited Agreement or Arrangement’** means an agreement or arrangement that is made with an Entity that carries on business for profit or gain where:

- the purpose of the agreement or arrangement is to pay or divert any profit or gain made in the conduct of the school to that entity or any other entity (other than a payment made in good faith for goods provided or services rendered to the school)
- the agreement or arrangement:
  - involves a payment by the school or the proprietor of the school for a purpose where the payment is excessive compared to the charges, fees, rates or costs for the time being prevailing in the community for payment for that purpose (other than a payment made in good faith for that purpose)
  - involves a gift, loan or similar payment by the school or the proprietor of the school (other than deposits made to a bank in connection with the conduct of the school)
  - involves a payment by the school or the proprietor of the school that is not a payment made in good faith for goods provided or services rendered to the school.

**‘Proprietor’** (in relation to a school), includes the governing body of the school.

**ABOUT THE SCHOOL**

<b>Complete the school's details below.</b>	
<b>The school's full name</b>	
<b>The school's ABN</b>	
<b>The reason for this application</b>	This is a new school.
	The school is amending its registration status.
<b>About the school's not-for-profit status</b>	
Answer ALL the following questions by crossing the correct box: <b>Y stands for yes and N for no</b>	
<b>1. Is the school established for the purpose of profit or gain?</b> Answer 'No' if the school is not established for the purpose of profit or gain as that concept is explained in this Guide and the Regulations. The constitution or governing documents of the school must specify that its assets and income be applied solely toward the conduct of the school.	Y <input type="checkbox"/> N <input type="checkbox"/>
<b>2. Does the proprietor of the school conduct the school for the purposes of profit or gain?</b> Answer 'No' if the proprietor of the school does not conduct the school for the purpose of profit or gain. A proprietor of a school is not to be taken to conduct the school for the purpose of profit or gain if the proprietor makes a financial surplus in the course of the proper administration of the school.	Y <input type="checkbox"/> N <input type="checkbox"/>
<b>3. Is any part of the profit or gain made in the conduct of the school distributed to any Entity?</b> Answer 'No' if no part of the profit or gain made in the conduct of the school is or may be distributed to any entity. A proprietor of a school is not to be taken to conduct the school for the purpose of profit or gain if the proprietor makes a financial surplus in the course of the proper administration of the school.	Y <input type="checkbox"/> N <input type="checkbox"/>
<b>4. Is any money and property received by the school or the proprietor of the school for the conduct of the school NOT applied solely towards the conduct of the school?</b> Answer 'No' if all money and property received by the school or the proprietor of the school for the conduct of the school is applied solely towards the conduct of the school.	Y <input type="checkbox"/> N <input type="checkbox"/>
<b>5. Is the proprietor of the school a party to a Prohibited Agreement or Arrangement?</b> See Appendix 3 on page 23 for the definition of a 'Prohibited Agreement or Arrangement'.	Y <input type="checkbox"/> N <input type="checkbox"/>

<p><b>6. If the school is a non-government school, on the closure of the school are any surplus assets of the school remaining after payment of the school's liabilities NOT required by the constitution or rules governing the school to be:</b></p> <p><b>or</b></p> <ul style="list-style-type: none"> <li>● <b>used by the proprietor of the school for providing education services to school-age children or for other not-for-profit purposes</b></li> <li>● <b>given to a not-for-profit entity operating within Australia that provides education services to school children or that has similar purposes to the proprietor?</b></li> </ul> <p>Answer 'No' if the school is a non-government school, and on closure of the school, any surplus assets of the school remaining after payment of the school's liabilities are required by the constitution or rules governing the school to be:</p> <p><b>or</b></p> <ul style="list-style-type: none"> <li>● <b>used by the proprietor of the school for providing education services to school-age children or for other not-for-profit purposes</b></li> <li>● <b>given to a not-for-profit entity operating within Australia that provides education services to school children or that has similar purposes to the proprietor.</b></li> </ul>	<p>Y <input type="checkbox"/> N <input type="checkbox"/></p>
<p><b>7. Did you answer 'No' to questions 1-6?</b></p> <p>By answering 'Yes' to this question, you are confirming that the school for which you are completing this attestation complies with the not-for-profit requirements of the Regulations. If you answer 'No', it means your school does not comply with the not-for-profit requirements.</p>	<p>Y <input type="checkbox"/> N <input type="checkbox"/></p>
<p>Please complete the declaration on the next page.</p>	

**SCHOOL'S NOT-FOR-PROFIT STATUS ATTESTATION  
STATUTORY DECLARATION**

Date and sign the following statutory declaration.

I, (name)

(Full name of declarant)

of

(Address of declarant)

do solemnly and sincerely declare that I acknowledge that the contents of this document are true and correct and I make it in the belief that a person making a false declaration is liable to penalties of perjury.

Declared at

(Location of signing)

In the State of Victoria

this

day of

20

(Day, month, year)

I hereby confirm that the contents of this document are true and correct in every particular.

X

(Signature of declarant)

before me X

(Signature and authority of authorised witness\*)

I hereby confirm that the board / committee / trustee of the school authorises the declarant to make this statutory declaration and attach a copy of that authority.

X

(Signature of person authorised by  
the school's board / committee / trustee)

(Authorised person's office)

**AUTHORISED PERSONS**

Under section 107A of the **Evidence (Miscellaneous Provisions) Act 1958**, this statutory declaration can be signed by any of:

- a justice of the peace or a bail justice
  - a public notary
  - an Australian lawyer (within the meaning of the **Legal Profession Act 2004**)
  - a clerk to an Australian lawyer
  - the prothonotary or a deputy prothonotary of the Supreme Court, the registrar or a deputy registrar of the County Court, the principal registrar or a registrar or deputy registrar of the Magistrates' Court or the principal registrar or a registrar or deputy registrar of the Children's Court
  - the registrar of probates or an assistant registrar of probates
  - the associate to a judge of the Supreme Court or of the County Court
  - the associate of an Associate Judge of the Supreme Court or of an associate judge of the County Court
  - a person registered as a patent attorney under Chapter 20 of the **Patents Act 1990 of the Commonwealth**
  - a police officer
  - the sheriff or a deputy sheriff
  - a member or former member of either House of the Parliament of Victoria
  - a member or former member of either House of the Parliament of the Commonwealth
  - a councillor of a municipality
  - a senior officer of a Council as defined in the **Local Government Act 1989**
  - a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)
  - a person registered under the Health Practitioner Regulation National Law- (i) to practise in the dental profession as a dentist (other than as a student); and (ii) in the dentists division of that profession
  - a registered veterinary practitioner within the meaning of the **Veterinary Practice Act 1997**
  - a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student)
  - a principal within the meaning of the **Education and Training Reform Act 2006**
  - the manager of an authorised deposit-taking institution
  - a person who holds a prescribed membership of a prescribed accounting body or association
  - the secretary of a building society
  - a minister of religion authorised to celebrate marriages
  - A Victorian Inspectorate Officer within the meaning of the **Victorian Inspectorate Act 2011**
  - a person employed under Part 3 of the **Public Administration Act 2004** with a classification that is prescribed as a classification to which this section applies or who holds office in a statutory authority with such a classification
  - an IBAC Officer within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011**
  - a fellow of the Institute of Legal Executives (Victoria).
-

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