



Victoria Government Gazette

No. S 221 Tuesday 27 June 2017
By Authority of Victorian Government Printer

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 27 June 2017

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SPECIAL

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

Revisions to the Guidelines to the Minimum Standards and Other Requirements for the Registration of Schools Including Those Offering Senior Secondary Courses were approved by the VRQA Board on 26 June 2017.

In Victoria, all children of compulsory school age must attend a registered school or be registered for home schooling. All Victorian schools – government, Catholic or independent, must be registered with the Victorian Registration and Qualifications Authority (VRQA) and must meet the minimum standards for school registration.

When taken as a whole, the minimum standards, provide a foundation for quality schools and underpin the key pillars of a school – good governance, strong financial management, effective curriculum, sound teaching practice and a safe environment for children.

The minimum standards are the prerequisite of an effective school. They form the basis for all school registration and review in Victoria.

The following guidelines (Guidelines) provide schools and school communities with the details of what is required to become registered and to maintain registration.

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.

The Guidelines deal with the minimum standards, officially called the prescribed minimum standards, that apply to:

- a. schools offering Years Prep–10
- 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 11–12.

P–10 schools

Schools offering or proposing to offer Years P–10 are regulated by the minimum standards referred to in section 4.3.1(6) of the Act. Those standards are examined later in the Guidelines.

Section 4.3.1(6) of the Act provides that the VRQA must not register a school (i.e. P–10) unless the VRQA is satisfied that the school meets the minimum 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 section 4.3.11 of the Act.

These are additional standards that schools must satisfy in order to offer such courses. These standards are explained on page 34 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 minimum 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** (Cwlth.) (ESOS Act). Part 4.5 and the ESOS Act impose additional requirements that schools must satisfy in order to offer courses to students from overseas.

In order to offer courses to overseas students, schools are required 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 on the VRQA website (www.vrqa.vic.gov.au).

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 in 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 *Guide 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), Seventh-day Adventist Schools (Victoria) Ltd and the Regional Services Group of the Department of Education and Training (DET) (or the division given the responsibility by the Secretary, DET), have been established as review bodies responsible for ensuring the ongoing quality assurance of their respective schools.

About the Guidelines

The main purpose of the Guidelines is to provide guidance on the information, documents and other evidence the VRQA will require in order for it to be satisfied that a school meets the minimum standards.

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

Section 4.3.8A(5) of the Act states that the Education and Training Reform Regulations (ETR Regulations) may require a school to comply with any guidelines. Section 4.3.11(1) of the Act states that the prescribed minimum standards for registration may require a school to comply with any guidelines. The Guidelines will note where any such regulations have been made.

The 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 were 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 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 the Guidelines. The Guidelines are subject to any amendments to those references.

Evidence guide

Figure 1 explains the wording used in the Guidelines.

Figure 1: Evidence requirements

Wording	Explanation
‘There must be evidence in the form of ...’	The evidence specified is essential in order to satisfy the VRQA that the relevant standard has been met.
‘Evidence may but will not necessarily include ...’	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. s. 4.7.1, 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 must 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 6-17 years of age. 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, such as a school that caters mainly for students with disabilities or with social, emotional or behavioural difficulties (ref. Sch. 5(10), ETR Regulations).

Exceptions to the minimum standards

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

SUMMARY OF THE MINIMUM STANDARDS FOR ALL SCHOOLS

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, and it must be not-for-profit (ref. Sch. 4 cl. 15 item 1 and cls. 16-17, 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. Sch. 4 cls. 6, 2 and 3, ETR Regulations)
- **teachers** – all teachers must be registered with or have approval to teach from the Victorian Institute of Teaching (VIT) (ref. Sch. 4 cl. 4, ETR Regulations)
- **staff** – the requirements of the **Working with Children Act 2005** must be complied with in respect of the employment of all staff (ref. Sch. 4 cl. 5, ETR Regulations)
- **student welfare** – the care, safety and welfare of students must comply with all laws and all staff must be advised of their obligations under those laws (ref. Sch. 4 cl. 12, ETR Regulations)

- **managing the risk of child abuse** – from 1 August 2016, the school must have developed policies, procedures, measures and practices for managing the risk of child abuse in schools in accordance with Ministerial Order No. 870 – Child Safe Standards – managing the risk of child abuse in schools (ref. s. 4.3.1(6)(d), the Act). 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. s. 4.3.1(6)(c), the Act). 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 procedural fairness and do not permit corporal punishment (ref. s. 4.3.1(6)(a), the Act)
- **enrolments** – the school must have minimum student enrolments, an enrolment policy, and an enrolment register (ref. Sch. 4 cls. 7- 9, ETR Regulations)
- **attendance** – the attendance of students must be properly monitored, and an attendance register must be maintained (ref. Sch. 4 cl. 10 and 11, 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 and age levels of students attending the school (ref. Sch. 4 cls. 13-14, 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. Sch. 4 cl. 18, ETR Regulations)
- **compliance with conditions of registration, standards and guidelines** – the school must comply with any condition imposed on its registration, must have policies and procedures to enable it to comply with the relevant standards, and the school must have suitable arrangements in place to enable it to comply with guidelines (ref. Sch. 4 cls. 20-21, ETR Regulations). The following conditions are relevant:
 - all schools and persons involved in the operation or management of the school must participate in the review and evaluation process (ref. s. 4.3.1(7), the Act)
 - all non-government schools and persons involved in the operation and 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. s. 4.3.1(6B), the Act).
- **compliance with the Act and regulations** – the school must comply with the requirements of the Act and ETR Regulations (ref. Sch. 4 cl. 19, 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. Sch. 4 cl. 22, ETR Regulations)
 - the principal of a registered school must notify the Authority in writing within 30 days of any changes to the following information –
 - the name or contact details of the proprietor of the school
 - the name or contact details of the principal of the school
 - the name or contact details of the presiding member of the governing body of the school
 - the address of the school or the address of any campus of the school (as the case requires)

- any other material change to particulars or information required to be provided to the Authority under the ETR Regulations (other than the particulars or information required by subclause 4) (ref. Sch. 4 cl. 15, ETR Regulations)
- the proprietor of a non-government school must notify the Authority in writing within 30 days of the following information:
 - if the proprietor is a body, any change of the name or contact details of each person involved in directing the body
 - any change to the religious or other affiliation of the school
 - the occurrence of a notifiable disclosure event

notifiable disclosure event – means an event that occurs if a responsible person is the subject of an adverse finding or other action by a court, tribunal, professional discipline or regulatory body (in Victoria or elsewhere) regarding the responsible person’s dishonesty, misleading or deceptive conduct, non-compliance with a legal obligation relating to the provision of information, or breach of duty, or the commencement of legal or disciplinary proceedings regarding whether the responsible person has engaged in conduct that means the responsible person is not a fit and proper person within the meaning of Schedule 4 clause 15(2) of the ETR Regulations
- the principal or proprietor of a school must provide to the VRQA or a person or body authorised by the VRQA to review a school, a report containing the following:
 - information to show that and enable the VRQA to assess whether the school complies with the minimum standards, the Act and ETR Regulations (ref. reg. 71(1)(a), ETR Regulations)
 - any changes to the school’s details as recorded in the State Register (ref. reg. 71(1)(b), ETR Regulations)
 - any complaints lodged by the public concerning a breach by the school of its obligation to implement the principles in section 1.2.1(a), (c), (e) and (f) of the Act and how the principal responded to the complaint (ref. reg. 71(1)(c), ETR Regulations)
 - at least once a year a school must make available to the school community information concerning the school’s performance under Schedule 4 clause 18 of the ETR Regulations
- the proprietor or principal must have legibly printed or painted in a conspicuous place near the main entrance to the school 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. (ref. s. 4.3.6, the 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. s. 4.3.1(5), the 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. s. 4.2.2(3), the 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 34 of the 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’ (ref. para. 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’ (ref. para. 8 p.151).

In February 2010, the VRQA Board endorsed the *Guidelines for Registered Schools on Bushfire Preparedness* (Bushfire Guidelines) resulting from *the Report of the Bushfire Royal Commission*. On 5 August 2014 and again on 26 June 2017, the VRQA Board revised and approved the Bushfire Guidelines.

For ease of reference, the evidence requirements have been incorporated into the Guidelines. The guidelines are available on the VRQA website (www.vrqa.vic.gov.au).

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 an Independent School* form available from the VRQA (ref. s. 4.3.1(4), the Act). These Guidelines explain what evidence is required, and should be referred to when completing the form.

These Guidelines also include the requirements of Schedule 5 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 Guidelines explain 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. s. 4.3.1A , the Act)
- a school’s compliance with the prescribed minimum standards – this is called a general review (ref. s. 4.3.3(2)(a), the Act)

- a school's compliance with a specific prescribed minimum standard if it believes 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. s. 4.3.3(2A), the Act)
- a school's compliance with a condition imposed by the VRQA on its registration (ref. s. 4.3.3(2)(b), the Act).

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 the result of the assessment to parents including 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. s. 4.3.1A(3), the Act).

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. s. 4.3.4, the Act), 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. s. 4.3.3D, the Act).

The VRQA's enforceable undertaking policy can be accessed on the VRQA's website (www.vrqa.vic.gov.au).

The VRQA may also impose interim conditions on a school before a review is completed (ref. s. 4.3.3E, the Act) or accept a written undertaking from the proprietor or the principal of the school (ref. s. 4.3.3A, the Act).

The VRQA 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 sole or main proprietor is an individual who has become an insolvent under administration
- the school's sole or main proprietor is a body corporate that has been or will be compulsorily wound up
- and the VRQA is satisfied it is in the best interests of the students or in the public interest to suspend or cancel the school's registration.

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. s. 4.8.1, the Act).

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 in section 1.2.1(a), (c), (e) and (f) of the Act, 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. regs. 97-99, ETR Regulations).

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 on the VRQA's website (www.vrqa.vic.gov.au).

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

THE MINIMUM STANDARDS

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; and*
- b. the rule of law; and*
- c. equal rights for all before the law; and*
- d. freedom of religion; and*
- e. freedom of speech and association; and*
- 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.

Schedule 4 clause 1 of the Education and Training Reform Regulations 2017

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.

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

1. *The proprietor must structure the governance of a registered school 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.*

Schedule 4 clause 15(1) of the Education and Training Reform Regulations 2017

Intent

To ensure that the proprietor has structured the governance of a school to enable 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.

Probity

2. *In a non-government school, every responsible person must be a fit and proper person.*

Schedule 4 clause 15 of the Education and Training Reform Regulations 2017

5. *A fit and proper person means a responsible person who:*
 - a. *is able to carry out the person's responsibilities in relation to the operation of the school in compliance with the laws of the Commonwealth, another State or a Territory relating to the provision of school education; and*
 - b. *has not been found guilty of an offence which is, or which would if committed in Victoria be, an indictable offence; and*
 - c. *has not been:*
 - i. *in the case of an individual, insolvent under administration; or*
 - ii. *in the case of a body corporate, an externally-administered body corporate; and*

- d. is not a represented person; and
- e. is not in breach of any requirements of the **Working with Children Act 2005** if required to obtain an assessment notice to carry out any responsibilities in relation to the school has not been the subject of or associated with an adverse finding or other action taken by a court, tribunal, commission of inquiry, professional discipline body or regulatory authority (in Victoria or elsewhere) where the adverse finding or other action involves dishonest, misleading or deceptive conduct, noncompliance with an obligation relating to the provision of education, or a breach of duty (including a duty of disclosure).

Notes

In the case of government schools, the Minister may make provision for the membership of school councils in an Order made under section 2.3.2 of the Act and the eligibility of principals is dealt with under Part 2.4 of the Act (including applicable Ministerial Orders).

The Authority may exempt a person under regulation 63 from the requirement in subclauses (2)(b) and (f).

For the purposes of subclause (2)(f) an adverse finding or action may include a decision by a registering body to limit, suspend or cancel a registration or permit granted to a responsible person individually, or to a body or entity that the responsible person has been associated with governing.

Schedule 4 clause 15 of the Education and Training Reform Regulations 2017

Responsible person means –

- a. if a proprietor is an individual, that person; or
- b. if the proprietor is a body, each person involved in directing the body
- c. each person who is conferred responsibility in the school governance structure for managing the school or its finances, including each member of the governing body of the school
- d. the principal
- e. any other person who by the person's conduct assumes a position of authority over the governance or management of the school.

Intent

To ensure that all responsible persons in a school are fit and proper and is able to carry out the person's responsibilities in relation to the operation the school.

Evidence guide

There must be evidence in the form of a completed Fit and Proper Statutory Declaration for each responsible person.

Explanatory notes

The eligibility of government school principals is dealt with under another part of the Act or by way of a Ministerial Order. In a non-government school, any responsible person must be a fit and proper person who:

- is able to carry out their responsibilities in relation to the operation of the school in compliance with the laws of the Commonwealth, state or a Territory
- has not been found guilty of an offence which is (or which would if committed in Victoria) be an indictable offence
- has not been declared 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
- is not a person who is a represented person under the **Guardianship and Administration Act 1986**

- is not in breach of any requirements of the **Working with Children Act 2005** if required to obtain an assessment notice under that Act to carry out any responsibilities in relation to the school
- has not been the subject of, or associated with, an adverse finding or other action taken by a court, tribunal, commission of inquiry, professional discipline body or regulatory authority (in Victoria or elsewhere) relating to dishonest, misleading or deceptive conduct, non-compliance with an obligation relating to the provision of education or a breach of duty (including a duty of disclosure).

In the case of a body corporate, must not be an externally administered body corporate.

The VRQA may exempt a person from the requirement to comply with Schedule 4 clause 15(5)(b) or (5)(f) if in the VRQA's opinion it would not be appropriate to exclude that person from being involved in the conduct of the school.

When considering whether to grant an exemption the VRQA must have regard to:

- the nature and gravity of the particular offence or misconduct and its relevance to conducting a school
- the period of time since the person committed the offence or engaged in the misconduct
- the punishment imposed for the offence or misconduct
- whether or not the conduct that constituted the offence has been decriminalised or the standards of conduct materially changed since the person engaged in the conduct that constituted the offence or misconduct
- the person's behaviour since committing the offence or engaging in the misconduct
- any information given by the person concerning the person's conduct in relation to the registration of the school
- any other matter the VRQA considers relevant.

Philosophy

A registered school must publish a clear statement of its philosophy, and be able to demonstrate how the school's philosophy is enacted.

Schedule 4 clause 16 of the Education and Training Reform Regulations 2017

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
- an outline of where the school has published this policy.

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

1. *A registered school must be a not-for-profit school.*
 2. *The proprietor of a registered school must have sufficient controls in place to ensure that school property and assets are not distributed or used for the improper profit or gain of another person or entity.*
-

Schedule 4 clause 17 of the Education and Training Reform Regulations 2017

Intent

To ensure that a registered school is not established or conducted for the purpose of profit or gain and that the proprietor has sufficient controls in place to prevent this from happening.

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 Statutory Declaration 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 26 June 2017, the registration of the school is amended by the VRQA to include an additional campus or year level (ref. reg. 117, ETR Regulations).

Schools should have regard to the definition of not-for-profit contained in regulation 7 of the ETR Regulations and the definition of prohibited agreement or arrangement in regulation 5 of the ETR Regulations, details of which can be found in Appendix 1 of the Guidelines.

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.

Schedule 4 clause 7 of the Education and Training Reform Regulations 2017. 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 is registered; or
- b. as soon as they become known or available (ref. reg. 65(2), ETR Regulations).

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 area 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 the year level of education in which students are enrolled –
- taken as a whole, substantially addresses the eight learning areas unless one or more of the learning areas is exempt (ref. reg. 61, ETR Regulations)
- in the case of a school 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 (ref. reg. 63, ETR Regulations).

Enrolment policy

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

Schedule 4 clause 8 of the Education and Training Reform Regulations 2017

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 Victorian student number allocated to the student;*
- e. *the date the student ceased to be enrolled at the school (if applicable).*

Schedule 4 clause 9 of the Education and Training Reform Regulations 2017

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 (ref. Sch. 4 cls. 9-11, ETR Regulations).

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 17 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 registered school must have a curriculum framework in place –

- a. for the organisation and implementation 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.*

Schedule 4 clause 6 of the Education and Training Reform Regulations 2017. 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, Victorian Curriculum or other approved curriculum programs, integrated programs or online learning
- a whole-school curriculum plan showing how the curriculum will be organised.

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, Victorian Curriculum or other approved curriculum programs, integrated programs or online learning
- a whole-school curriculum plan showing how the curriculum is organised.

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 the school is a specialist school, or for other reasons determined by the VRQA (ref. reg 61, ETR Regulations).

Students undertaking a senior secondary qualification are required to meet the requirements of the relevant awarding body (refer to page 34).

Student learning outcomes

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

Schedule 4 clause 2 of the Education and Training Reform Regulations 2017

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

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

Schedule 4 clause 3 of the Education and Training Reform Regulations 2017

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.

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

Schedule 4 clause 18 of the Education and Training Reform Regulations 2017

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, which 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 2013.

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

A registered school must ensure that:

- a. *the care, safety and welfare of all students attending the school is in accordance with any applicable State and Commonwealth laws; and*
 - b. *that all staff employed at the school are advised of their obligations under those laws.*
-

Schedule 4 clause 12 of the Education and Training Reform Regulations 2017

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 child safe standards (Ministerial Order No. 870)
- 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 it owes a duty to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation (from 1 July 2017)
- 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 Emergency Bushfire Management on page 21)
- 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 section 182, 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 pro forma for a school applying to register
- records of student medical conditions and management or a pro forma 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

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

- the implementation of minimum standards for a child safe environment; and*
- 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 commenced on 1 August 2016. From that date, all registered schools must have developed policies, procedures, measures and practices in accordance with Ministerial Order No. 870 – Child Safe Standards – Managing the risk of child abuse in schools, which was published in the 7 January 2016 edition of the Victorian 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 was published in the 17 December 2015 edition of the Victorian 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

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

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:
 - relocating students and staff to a nominated 'shelter-in-place' within the school site that is compliant with relevant regulations
 - 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 school's 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.

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

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

A registered school must:

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

Schedule 4 clause 10 of the Education and Training Reform Regulations 2017

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 (i.e. 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 registered 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.*

Schedule 4 clause 11 of the Education and Training Reform Regulations 2017

Intent

To ensure that the attendance of students of compulsory school age (i.e. 6-17 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:

- a. *be registered under Part 2.6 of the Act or be granted permission to teach under that Part;*
 - b. *and comply with any condition, limitation or restriction of that registration or permission to teach.*
-

Schedule 4 clause 4(1) of the Education and Training Reform Regulations 2017

Intent

To ensure that only teachers registered with the Victorian Institute of Teaching (VIT), 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, (VIT) category of registration (provisional registration, full registration, permission to teach) and the expiry and renewal date of the teacher's registration.

Explanatory notes

VIT 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.*

Schedule 4 clause 5 of the Education and Training Reform Regulations 2017

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 VIT and Commission for Children and Young People.

A teacher registered with VIT 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

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.

Schedule 4 clause 13 of the Education and Training Reform Regulations 2017

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 21 of the 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.

Schedule 4 clause 14 of the Education and Training Reform Regulations 2017

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 REQUIREMENTS
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 by the regulations.

Section 4.3.5(1) of the **Education and Training Reform Act 2006**

Regulation 71 (1) of the Education and Training Reform Regulations 2017 lists the relevant information for the purpose of the above section and is reproduced below.

71(1). For the purpose of section 4.3.5(1) of the Act, the proprietor or principal of a registered school must provide a report containing the following information:

- a. information to 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 4; and*
 - ii. complies with any other requirements of the Act or these Regulations; and*
 - b. information to 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, information to advise the Authority of:*
 - A. 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*
 - B. how the principal of the school responded to that complaint*
-

The above obligations are a standard by operation of Schedule 4 clause 19 of the Education and Training Reform Regulations 2017, 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.

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.

Schools must be conducted in accordance with scope of registration

A registered school must:

- a. offer only the levels of education in respect of which the school is registered*

Schedule 4 clause 22 of the Education and Training Reform Regulations 2017

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

- i. contain all the particulars and information listed in Schedule 7; and*
ii. be accompanied by evidence that the school will continue to be conducted as a not-for-profit school

Regulation 69(c) of the Education and Training Reform Regulations 2017

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 7 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.

ESTABLISHING AN ADDITIONAL CAMPUS

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

A registered school must 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.

Schedule 4 clause 22 of the Education and Training Reform Regulations 2017

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

- i. contain all the particulars and information listed in Schedule 6; and*
ii. be accompanied by any documentation referred to in Schedule 6; and evidence that the school will continue to be conducted as a not-for-profit school

Regulation 69 of the Education and Training Reform Regulations 2017

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 6 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 or email address of the campus principal (if any).
 - The full name, postal address, telephone number, facsimile number or email address of:
 - a. the chair (if any) 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 (if any).
 - 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 any changes to the school's policies regarding the additional 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

- a register of the Working with Children Check for all non-teaching staff and procedures for maintaining the register. A pro forma is acceptable for a school applying to register
- 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.

Schedule 4 clause 22 of the Education and Training Reform Regulations 2017

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

Regulation 69(d) of the Education and Training Reform Regulations 2017

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.

Schedule 4 clause 22 of the Education and Training Reform Regulations 2017

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

Regulation 69(d) of the Education and Training Reform Regulations 2017

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

Note: requirements for adding a year level or establishing a new campus are previously detailed in the Guidelines.

Particulars and information of application

An application under this Division must –

- a. *be in writing; and...*
- d. *in any other case, include any particulars or information, and be accompanied by any documentation, which the Authority reasonably requires for the purpose of assessing the application; and*
- e. *be signed –*
 - i. *in the case of a government school, by the Secretary; and*
 - ii. *in the case of a non-government school, by, or on behalf of, the proprietor of the school.*

Regulation 69 of the Education and Training Reform Regulations 2017

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.

THE 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 VCAA and IB are currently registered by the VRQA as awarding bodies. In Victoria, the accredited senior secondary qualifications are the VCE, VCAL and the IB Diploma.

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 ETR Regulations as well as the minimum standards for registration to provide an accredited senior secondary course (ref. Sch. 8 reg. 86, ETR Regulations).

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.*

Schedule 8 clause 1 of the Education and Training Reform Regulations 2017

The evidence required for this standard is addressed in the standard for a registered school under School governance – Democratic principles on page 13.

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; 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 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; 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 a senior secondary education provider is not the owner of an accredited senior secondary course, the provider must*
 - a. *be authorised by the owner of the accredited senior secondary course to provide that course; and*
 - b. *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 8 clause 6 of the Education and Training Reform Regulations 2017

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.*

Schedule 8 clause 2 of the Education and Training Reform Regulations 2017

If the school wishes to offer vocational education and training 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:

- 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:*
 - a. to maintain accurate student records and ensure the integrity of student assessments; and*
 - b. if the provider is:*
 - i. 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*
 - ii. if the provider is also the awarding body, to deal with the assessment program and the timely provision of student enrolments and results; and*
 - c. to monitor patterns of student participation and completion rates, and the quality of outcomes of students in the registered senior secondary qualification; and*
 - d. to undertake an annual analysis (that is made publicly available) of student participation and completion rates and outcomes.*

2. *A senior secondary education provider must:*
 - a. *prepare and maintain records of student assessments; and*
 - b. *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*
 - a. *the accurate and timely issuing of qualifications; and*
 - b. *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.*

Schedule 8 clause 4 of the Education and Training Reform Regulations 2017

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 laws and 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 8 clause 3 of the Education and Training Reform Regulations 2017

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.*
-

Schedule 8 clause 5 of the Education and Training Reform Regulations 2017

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
- a 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**WHAT IS A NOT-FOR-PROFIT SCHOOL?****Summary**

A not-for-profit school has a specific meaning under the ETR 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, ETR 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 ETR Regulations?

For the purposes of the ETR Regulations, a not-for-profit school is a school that satisfies all the following criteria:

- a. the school is not established for the purpose of profit or gain;
- b. the proprietor of the school does not conduct the school for the purposes of the proprietor's or any other person's profit or gain;
- c. no part of the profit or gain made in the conduct of the school is or may be distributed to any person or entity;
- d. 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 in accordance with the school's 'not for profit' purpose;

- e. the proprietor of the school is not a party to a Prohibited Agreement or Arrangement;
- f. 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 –
 - i. used by the proprietor of the school for providing education services to school-age children or for other not-for-profit purposes; or
 - ii. 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.

For the purposes of sub regulation (1), a proprietor of a school is not to be taken to conduct the school for the purposes of profit or gain only because the school or the proprietor of the school makes a financial surplus in the course of the proper administration of the school.

Definitions

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 a trust

prohibited agreement or arrangement means an agreement or arrangement made between two or more of the following parties –

- i. the school
- ii. the proprietor of the school
- iii. another person or entity

where the purpose of the agreement or arrangement:

- a. is to pay or divert any profit or gain made in the conduct of the school to the proprietor or any other person or entity (other than a payment made in good faith for goods provided or services to the school) or
- b. involves a prohibited payment by the school or the proprietor of the school (as the case requires) to another person or entity and the payment:
 - i. is excessive compared to the reasonable market value of the charges, fees, rates or costs currently prevailing in the community for payment for that purpose (other than a payment made in good faith for that purpose), or
 - ii. involves a gift, loan or similar payment for a purpose unconnected to the conduct of the school (other than payments made to a bank in connection with the conduct of the school), or
 - iii. is otherwise not a payment made in good faith for the benefit of the school or reasonably required for the conduct of the school

Notes

Prohibited payments under paragraph (b)(ii)(A) may include excessive fees or remuneration or other expenses paid to members of the school's governing body, or excessive rents, fees, or other charges paid to any other person or body.

Prohibited payments under paragraph (b)(ii)(B) may include loans, guarantees, or indemnities payable for the recipient's own use or benefit. For example, a payment to benefit an enterprise conducted by the payment recipient where that enterprise is unconnected to the conduct of the school.

Prohibited payments under paragraph (b)(ii)(C) may include ‘sham’ arrangements that have the effect of transferring payments from the school to the recipient for their own purpose or benefit, and which deliver no benefit or service to the school.

proprietor in relation to a school, means a person, body, or institution who establishes, owns or controls one or more registered schools, and includes the legal entity specified in the school’s registration as the proprietor of the school.

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 27 June 2017

LYNN GLOVER
Chief Executive Officer (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

Revisions to the Guidelines for Non-school Senior Secondary Education Providers: Minimum Standards for Registration to Provide an Accredited Senior Secondary Course (the Guidelines) were approved by the VRQA Board on 26 June 2017.

INTRODUCTION

The Victorian Registration and Qualifications Authority (VRQA) registers providers to deliver the Victorian Certificate of Education (VCE) and/or the Victorian Certificate of Applied Learning (VCAL) in full or single courses in a non-school setting.

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 to be and remain registered.

Section 4.3.11 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.

The Guidelines deal with the minimum standards that apply to non-school providers offering an accredited senior secondary course such as the VCE or the VCAL.

About the Guidelines

The Guidelines are issued to provide 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 minimum standards.

The Guidelines should be used by a non-school provider:

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

They are issued pursuant to section 4.3.11(3) of the Act, which empowers the VRQA to issue guidelines on the minimum standards for registration to offer an accredited senior secondary course and the fit and proper person requirements for those involved in the management of a non-school senior secondary providers.

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

They do not replace the need to comply with the minimum standards. Accordingly, the VRQA may in any particular case require additional or different evidence to that set out in the Guidelines.

References to regulations, Ministerial Orders or provisions of an Act are as at the date of these Guidelines. The 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 Victorian Curriculum and Assessment Authority (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.

REQUIREMENTS 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.

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

Registration is for a maximum of five years. Providers will need to re-register prior to their expiry date.

Registered schools are exempted under section 4.3.12(1A) of the Act from having to re-register every five years.

Providers offering education to students aged 6–17 years

Under Section 4.7.1 of the Act, it is an offence to conduct a school unless the school is registered.

Section 1.1.3 defines a school as a place at or from which education is provided to children of compulsory school age (i.e. aged 6–7 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 and; some Registered Training Organisations (RTOs).

This also includes 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 listed in regulation 6 (1)(d)(iii) of the Education and Training Reform Regulations 2017 (ETR Regulations).

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

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** (Cwlth) (ESOS Act). These Acts impose additional requirements that education institutions must satisfy to offer those courses.

Both Acts require providers to first seek VRQA approval.

If approved, the VRQA may then recommend to the Commonwealth that the provider be registered under the ESOS Act.

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

If you are intending to deliver a senior secondary course for overseas students, evidence of compliance with the ESOS Act (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.

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

Further information for providers seeking approval and registration to offer courses to students from overseas is available at www.vrqa.vic.gov.au/

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

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 8 of the ETR Regulations 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.

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. In particular, in relation to the requirements of the minimum standard relating to student welfare.

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.

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.

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. reg. 97, ETR Regulations 2017).

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 school community has the right to information concerning 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.

The VRQA may also investigate complaints regarding a breach by a provider of the minimum standards or the Child Safe Standards.

A complainant must first raise the concerns with the relevant person, 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. However, this requirement does not apply if the VRQA is satisfied that there are reasonable grounds for the complainant failing to make a complaint to the relevant person, body or school.

THE MINIMUM STANDARDS**STANDARD 1 – PRINCIPLES**

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

Schedule 8 clause 1 of the Education and Training Reform Regulations 2017

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

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 is entitled to be awarded the registered qualification.*

Schedule 8 clause 2 of the Education and Training Reform Regulations 2017

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:

- 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 clauses 3, 4, 5 and 6 of Schedule 8, ETR Regulations).

STANDARD 3 – STUDENT WELFARE

1. *A senior secondary education provider must have policies and procedures in place that are consistent with any relevant laws and 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 8 clause 3 of the Education and Training Reform Regulations 2017

Explanatory notes

All providers must have policies and procedures to provide students with a safe environment where the risk of harm is minimised and students feel physically and emotionally secure. The policies and procedures must be written in a language that is suitable for the student cohort. All staff must be advised of their obligations under the relevant laws.

Evidence guide**Legislative requirement**

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

- Child Safe Standards
- the duties 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:

- the Child Safe Standards and requirements of the **Child Wellbeing and Safety Act 2005**
- 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 it owes a duty to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation (from 1 July 2017)
- 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
- 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 section 182 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 pro forma for a provider applying to register
- records of student medical conditions and management or a pro forma 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

A provider must have policies, procedures, measures and practices in accordance with the Child Safe Standards which commenced on 1 January 2016.

The Standards can be accessed at www.vrqa.vic.gov.au/childsafe

They apply to non-school senior secondary providers due to Schedule 8, clause 3 of the ETR Regulations 2017 and Schedule 1 of the **Child Safety and Wellbeing Act 2005**.

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 3 and 4).

STANDARD 4 – STUDENT RECORDS AND RESULTS

1. *A senior secondary education provider must have policies and procedures in place:*
 - a. *to maintain accurate student records and ensure the integrity of student assessments; and*
 - b. *if the provider is:*
 - i. *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; or*
 - ii. *also the awarding body, to deal with the assessment program and the timely provision of student enrolments and results,*
 - c. *to monitor patterns of student participation and completion rates, and the quality of outcomes of students in the registered senior secondary education qualification; and*
 - d. *to undertake an annual analysis (that is made publicly 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.*

Schedule 8 clause 4 of the Education and Training Reform Regulations 2017

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 1, 2 and 4).

STANDARD 5 – TEACHING AND LEARNING

A senior secondary education provider must have:

- qualified and competent staff to teach and assess the course; and*
- suitable teaching resources and physical facilities to provide the course; and*
- processes to ensure the consistent application of assessment criteria and practices; and*
- 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 8 clause 5 of the Education and Training Reform Regulations 2017

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
- Policies and procedures regarding screening, supervision, training and other human resources practices that comply with standard 4 of the child safe standards.

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 at 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 1, 2 and 3).

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.*

Schedule 8 clause 6 of the Education and Training Reform Regulations 2017

Evidence guide

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
- 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).
-
2. *A senior secondary education provider must ensure suitable arrangements are in place to enable:*
- a. *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. *the provider to comply with any relevant guidelines issued by the Authority under section 4.3.11(3) of the Act; and*
 - c. *the Authority to conduct an audit on the operation of the person, body or school in relation to the minimum standards.*

Schedule 8 clause 6 of the Education and Training Reform Regulations 2017

Explanatory notes

This 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.

Evidence guide

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, or 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 at 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 declares that the organisation will operate in accordance with the Act and ETR Regulations
- which declares that the information provided in the application is correct.

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:

-
2. *In determining whether the person, body or school, any person involved in the management of the person, body or school, or any person involved in the business of the provision of courses by the person, body or school –*
- a. *has ever had their registration under Division 3 of Part 4.3 of the Act 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.*
-

Section 4.3.11(2) of the Act

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.

- 3. If the senior secondary education provider is not the owner of the accredited senior secondary course, the provider must be authorised by the owner of the course to provide that course and must comply with the conditions relating to that authorisation.*
-

Schedule 8 clause 6 of the Education and Training Reform Regulations 2017

Explanatory notes

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. It requires the provider to apply to the VCAA for approval to offer the VCE or VCAL.

Evidence guide

An application to the VRQA must contain the approval of the VCAA for the application to proceed.

- 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 8 clause 6 of the Education and Training Reform Regulations 2017

Explanatory notes

The above is for noting only.

Education and Training Reform Act 2006

**NOTICE OF REVISED GUIDELINES FOR BUSHFIRE PREPARENESS –
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 27 June 2017

LYNN GLOVER
Chief Executive Officer (Director)
Victorian Registration and Qualifications Authority

GUIDELINES FOR BUSHFIRE PREPAREDNESS – REGISTERED SCHOOLS

1. Notice

Schools are hereby notified that pursuant to the **Education and Training Reform Act 2006** as a component of their registration against prescribed minimum standards they are required to meet the following guidelines on bushfire preparedness.

These guidelines were approved by the Victorian Registration and Qualification Authority (VRQA) Board on 10 February 2010 and revised and approved on 26 June 2017.

2. Guidelines for registered schools on bushfire preparedness**Care, safety and welfare of students**

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

Schedule 4 clause 12 of the Education and Training Reform Regulations 2017

In relation to bushfire preparedness and in addition to specified requirements for schools to provide for the care, safety and welfare of students, schools must meet the following guidelines:

2.1 All schools must maintain an Emergency Management Plan (EMP). The EMP must be reviewed at least annually and immediately after any significant incident.

The EMP should include policies and procedures for the planning and approval of off-site activities which consider the risk of bushfire in the activity location.

2.2 Schools listed on the Bushfire At-Risk Register must have an EMP 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 EMP by:
 - relocating students and staff to a nominated 'shelter-in-place' within the school site that is compliant with relevant regulations, and/or
 - evacuating students and staff to an off-site safe area
 - responding appropriately to instructions from emergency services.

2.3 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 school's EMP
- 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 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 EMP.

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

Required evidence to be compliant or maintain compliance:

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

2.5 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.

Required evidence to be compliant or maintain compliance:

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

School infrastructure

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.

Schedule 4 clause 13 of the Education and Training Reform Regulations 2017

In relation to bushfire preparedness, and in addition to specified requirements for schools to ensure that their school buildings, facilities and grounds meet all legal standards and fully comply with health and safety requirements, schools, including their campuses and off-site facilities, must meet the following guidelines:

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

Required evidence to be compliant or maintain compliance:

- 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.

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

Required evidence to be compliant or maintain compliance:

- 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.

2.8 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.

Required evidence to be compliant or maintain compliance:

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

2.9 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.

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