



Department of Education Services
Non-government schools

Non-Government Schools in Western Australia

Registration Standards and Requirements 2014

22 Hasler Road OSBORNE PARK WA 6017
PO Box 1766 OSBORNE PARK WA 6916
Telephone: (08) 9441 1900 Facsimile: (08) 9441 1901
Email: ngs@des.wa.gov.au Website: www.des.wa.gov.au

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Please note: This version of non-government schools registration standards and requirements reflects the following developments:

- **Amendments to the *School Education Regulations 2000* r.129.**
- **Progress towards meeting the National Quality Standards (NQS) in Early Childhood Education and Care and School Age Care requirements by 1 January 2015.**
- **Continued strengthening of child protection in non-government schools including enhanced means of reporting Critical Incidents to the Minister for Education through the Department of Education Services (DES).**
- **Integration of the requirements for schools offering programs for *Full Fee Paying Overseas Students* (international students) to reflect national registration requirements.**
- **Full implementation of the Australian Curriculum Phase 1 by mid-2015.**
- **Commencement from 1 January 2014 of the *Australian Education Act 2013*.**
- **Commencement from 1 January 2014 of the *Australian Education Regulations 2013*.**
- **Significant changes to the system of teacher registration and the obligations of employers.**
- ***Working with Children (WWC)* card requirements for staff and volunteers.**

The information in this document has been developed in consultation with the Association of Independent Schools of Western Australia (AISWA) and the Catholic Education Office of Western Australia (CEOWA) to provide information on the requirements for the registration and renewal of registration of non-government schools in Western Australia.

Amendments to this document may be approved at any time by the Minister for Education where additional information and clarification is required. The current version will be maintained on the Department of Education Services (DES) website. Schools will be advised of significant changes when they occur.

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Acronyms and abbreviations

ACARA	Australian Curriculum, Assessment and Reporting Authority
ACER	Australian Council for Educational Research
AGM	Annual General Meeting
AHRC	Australian Human Rights Commission (formerly HREOC)
AISWA	Association of Independent Schools of Western Australia
ASIC	Australian Securities and Investments Commission
CALD	Culturally and Linguistically Diverse
CEO	Chief Executive Officer
COAG	Council of Australian Governments
CEOWA	Catholic Education Office of Western Australia
CPFS	Department for Child Protection and Family Support
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students
Cth	Commonwealth (used in reference to legislation)
DDA	<i>Disability Discrimination Act 1992 (Cth)</i>
DES	Department of Education Services
DFES	Department of Fire and Emergency Services
DoE	Department of Education
EAL/D	English as an Additional Language or Dialect
ESOS Act	<i>Education Services for Overseas Students Act 2000 (Cth)</i>
ESPRA	<i>Education Service Providers (Full Fee Overseas Students) Registration Act 1991 (WA)</i>
NAPLAN	National Assessment Program – Literacy and Numeracy
National Code 2007	<i>National Code of Practice for Registration Authorities and Providers of Education and Training for Overseas Students (2007)</i> - a legislative instrument made under the ESOS Act
NQS	National Quality Standard for Early Childhood Education and Care
NSIT	National School Improvement Tool
ORIC	Office of the Registrar of Indigenous Corporations
OSH	Occupational Safety and Health
PIPS	Performance Indicators in Primary Schools
RDA	<i>Racial Discrimination Act 1975 (Cth)</i>
SCSA	School Curriculum and Standards Authority (formerly the Curriculum Council)
SCSEEC	Standing Council on School Education and Early Childhood (COAG forum of federal, state and territory government education and care Ministers)
SDA	<i>Sex Discrimination Act 1984 (Cth)</i>
TRBWA	Teacher Registration Board of Western Australia
VET	Vocational Education and Training
WA	Western Australia
WACE	Western Australian Certificate of Education
WWC	Working with Children check/card/clearance (properly called an assessment notice)

Legislated requirements for school registration

Legislation

- The *School Education Act 1999 (Part 4 – Non-Government Schools)* requires that non-government schools in Western Australia are registered by the Minister for Education. The Act makes various provisions for schools' operation and funding.
- In particular, it deals with the registration and renewal of registration of non-government schools that meet requirements and standards (*Division 2 of Part 4 of the Act*), and the inspection of registered schools and the provision of information to the Minister (*Division 4 of Part 4 of the Act*).
- The governing bodies of schools applying for registration must demonstrate that they will be able to meet the requirements of the *School Education Act 1999* and the *School Education Regulations 2000*. The governing bodies of schools applying for renewal of registration must demonstrate that they have met and will continue to meet those requirements.
- All registered schools are required to provide a safe and supportive environment as well as teaching and learning programs that meet the needs of all their students.

Requirements

The requirements for registration are listed under section 160(1) of the Act, as follows:

The Minister is to register the school if the Minister is satisfied that –

- (a) the constitution of the governing body of the school is satisfactory for the purposes of this Act; and*
- (b) the members of the governing body are fit and proper persons to operate a school; and*
- (c) the school will meet any standards determined by the Minister under section 159(2) (of the Act); and*
- (d) the school will provide a satisfactory standard of education of the kind for which registration is sought; and*
- (e) the school will provide satisfactory levels of care for the students concerned; and*
- (f) the school will not have a detrimental effect on the ability of an existing school to function as a school; and*
- (g) the school complies, or will be able to comply, with any written laws affecting the operation of the school.*

Under section 159(2) of the Act, the Minister determines standards in respect to the following matters listed in section 159(1):

The Minister, in determining an application for registration, or for renewal of registration, of a school is to take into account –

- (a) the location of the premises to be used by the school; and*
- (b) the school's curriculum; and*
- (c) the year levels of education to be provided; and*
- (d) the number of days in each year on which the school is to be open for instruction; and*
- (e) the qualifications of the teachers; and*
- (f) the school buildings, if any; and*
- (g) the facilities to be provided; and*
- (h) the number of children to attend the school; and*
- (i) the enrolment and attendance procedures; and*
- (j) the means by which disputes and complaints about the provision of education at the school may be dealt with; and*
- (k) the arrangements (if any) for board and lodging for students on school premises or premises associated with the school; and*
- (l) the sufficiency of the school's financial resources; and*
- (m) any other matter prescribed by the regulations.*

For schools providing early childhood programs

During 2014, schools will be preparing for the implementation of the NQS. It is anticipated that further clarification of the DES requirements will be communicated to schools in 2014 for use in schools in 2015.

For schools providing education to *Full Fee Paying Overseas Students* (international students)

Definition: *Full Fee Paying Overseas Students* (international students) are those who hold a subclass 571 student visa. This is the visa class given to students attending a primary or secondary school.

Note: Parents who come to Australia to study generally have a visa class applicable to an education sector other than schools. The parent is considered the primary visa holder. The Department for Immigration and Border Protection may then assign the same visa class to their child and regard them as secondary visa holders. Secondary visa holders are not regarded as international students and the school will not need to hold CRICOS registration to enrol them.

Those schools wishing to offer education services to the *primary holders* of an international student visa (visa class 571) must demonstrate that they are compliant with the requirements of:

- *Education Service Providers (Full Fee Overseas Students) Registration Act 1991 (ESPRA)*, Western Australian Government Act.
- *Education Service Providers (Full Fee Overseas Students) Registration Regulations 1992*, Western Australian Government Regulations.
- *Education Services for Overseas Students Act 2000 (ESOS)*, Commonwealth Government Act.
- *Education Services for Overseas Students Regulations 2001*, Commonwealth Government Regulations.
- *National Code of Practice for Registration Authorities and Providers of Education and Training for Overseas Students (the National Code 2007)*.

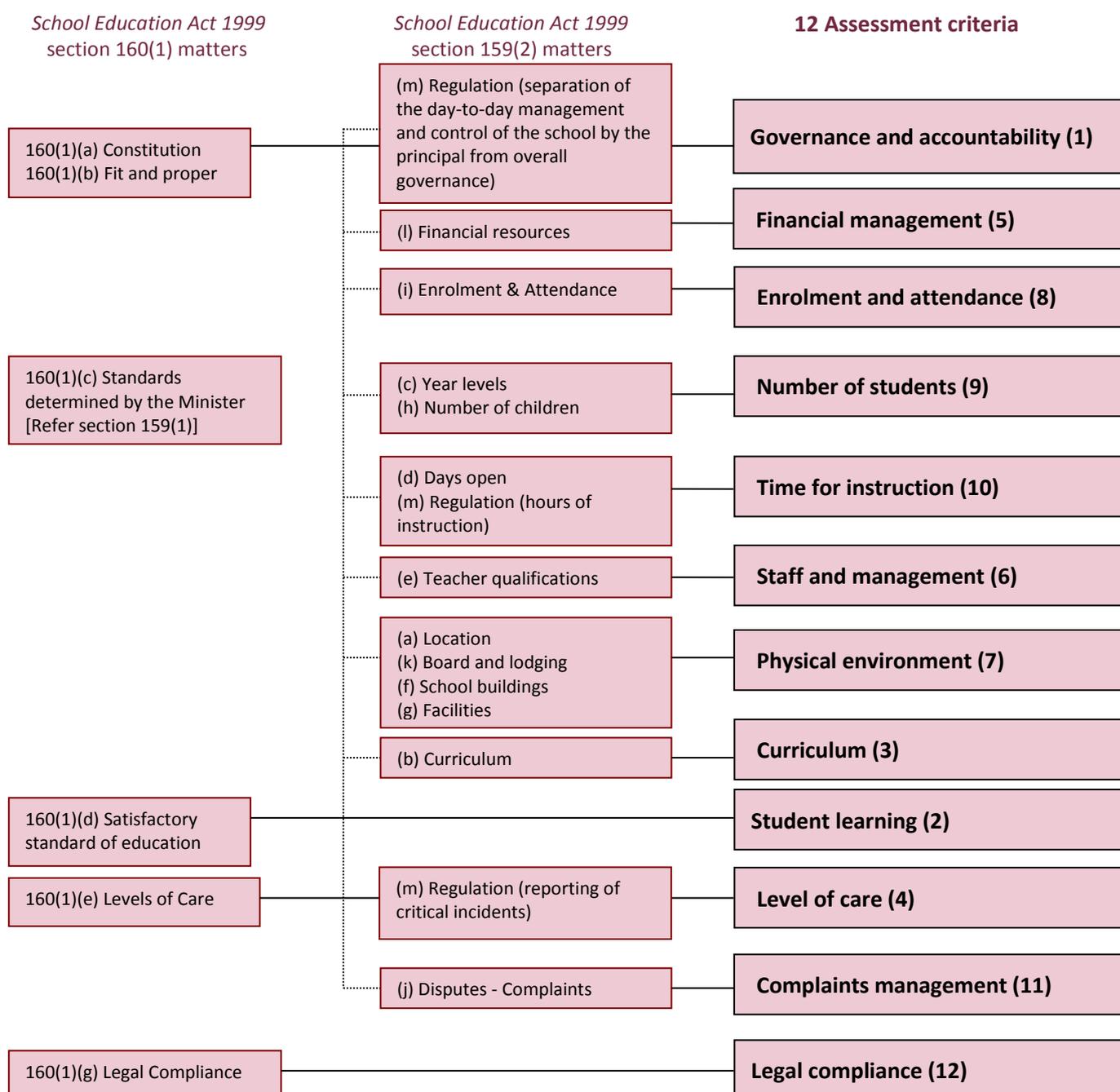
While the requirements of these legislative instruments overlap in some instances with the underpinning schools registration requirements, where they differ, their primary focus relates to consumer protection mechanisms. The discretion to determine whether or not a school has demonstrated its compliance with the international education legislation and requirements rests with the Chief Executive Officer of the DES as a delegate of the Commonwealth Department of Education.

Non-government schools providing education to international students will meet the above requirements through the registration process. In some cases this may involve providing additional evidence for the criteria described in the following pages.

Assessment of registration requirements

The *Registration Requirements* are assessed through information gathered on 12 criteria that reflect the operations of schools. The relationship between legislated registration requirements and the assessment criteria is represented in the diagram below.

State legislated requirements for registration and assessment criteria



Note s. 160(1)(f) Detrimental effect applies to applications for registration of new schools, additional campus/es or change of year levels.

1. Governance and accountability

Criterion:

The legal entity (or governing body of a recognised school system as defined by section 150(b) of the *School Education Act 1999*) that governs the school is responsible for maintaining a satisfactory standard of education and is accountable for the quality of educational programs provided, the safety and welfare of students, financial management and legal compliance.

The constitution of the governing body articulates its educational philosophy, defines a structure for effective governance and enables development of its strategic direction and the management of its finances. The constitution defines and the school demonstrates a clear separation between the day-to-day management and control of the school by the principal and the overall governance of the school by the governing body.

Members of the governing body are deemed fit and proper persons for carrying out their responsibilities.

Intent

To ensure that a school is governed in an open and transparent manner, by people of good character with the necessary skills and experience for effective oversight of the school.

Written evidence

Schools are requested to submit the following evidence with the application for registration or renewal of registration (refer to explanatory notes).

- 1.1 Certificate registering the **legal entity** (e.g. *Certificate of Incorporation* and/or *Certificate of Registration of Business Name*).
- 1.2 **Constitution** outlining the objects, powers, structure, roles and responsibilities of the governing body and how governance is separated from management.
- 1.3 **Supporting documentation** that describes the way in which the governing body operates e.g. conflict of interest, code of conduct, succession planning, evaluating board performance, committee structure.
- 1.4 Declaration of the school's **not-for-profit status**, if seeking the provision of public funding.
- 1.5 **Register of governing body members**, including ex-officio and/or non-voting members, recording their names, relevant skills and experience, and criminal history check to demonstrate that the persons involved are of good character and repute and are persons fit to be concerned with the oversight of a school.
If their usual role in the school involves governing body members in 'child-related work' the register will also record that they have obtained a *Working with Children (WWC)* card or have applied for one.
- 1.6 **Minutes of meetings**, including the annual general meeting that demonstrate how the governing body is meeting accountability requirements and carrying out its responsibilities.
- 1.7 The **school's strategic plan**.
- 1.8 Evidence that best demonstrates an **annual self-review (risk assessment)** relating to provision of level of care) conducted by the governing body.
- 1.9 Notification of any **critical incidents** reported by the principal to the chair of the governing body and the DES.
- 1.10 Evidence of **training opportunities** provided and undertaken by members of the governing body.

Additional evidence (refer to explanatory notes)

- 1.11 Schools providing education to **Full Fee Paying Overseas Students (international students)**.
- 1.12 Progress towards meeting the **NQS in Early Childhood Education and Care and School Age Care** requirements by 1 January 2015.

Explanatory notes

1.1 Legal entity

Most legal entities for schools are incorporated under the *Associations Incorporation Act 1987*, with their constitutions registered with the Western Australian Department of Commerce. In some cases the legal entity is registered through the Australian Securities and Investments Commission (ASIC) or other authorities, such as the Office of the Registrar of Indigenous Corporations (ORIC).

A system agreement between the Minister for Education and the system governing body outlines the governance arrangements for system schools. Currently, this applies only to schools for which the Catholic Education Commission is the system governing body.

Definition of governing body

As defined in section 150 of the *School Education Act 1999*, “governing body” means –

- (a) *in relation to a school or proposed school, the person or body of persons that has the ownership, management or control of the school or proposed school; and*
- (b) *in relation to a system of non-government schools, the person or body of persons that exercises a supervisory role over the schools in the system.*

1.2 Constitution

Recognition of the constitution under the *Associations Incorporation Act 1987* is for incorporation purposes only and does not necessarily mean that the constitution satisfies the requirements for non-government school registration.

The constitution of the governing body of a non-government school must be satisfactory for the purposes of the *School Education Act 1999*. The purposes of the Act include the responsibilities of the governing body for:

- maintaining a satisfactory standard of education and satisfactory level of care for students who are enrolled at non-government schools;
- accounting for the quality of the educational programs which they provide;
- accounting for the use of public funds received; and
- fostering positive relationships with key stakeholders such as parents and students by ensuring transparency of information about finances, policies, strategic goals and governance (including the qualifications of members and the process for changes to board membership).

The constitution must:

- articulate the governing body’s educational philosophy;
- outline objects, powers, structure, roles and responsibilities of the governing body;
- define a clear separation between the day-to-day management and control of the school by the principal and the overall governance of the school by the governing body; and
- detail how and by whom the school finances are to be managed.

Separation of governance and management

The constitution must indicate a clear distinction between the roles and responsibilities of governance and management in a school. To maintain this separation the principal and any school staff such as a bursar, administrator, business manager or teachers, are normally ex-officio non-voting members of the governing body, if they are members at all, rather than voting members. The governing body is to clearly set out the procedures for appointing and managing the performance of the principal, based on a defined duty statement.

Financial management

The governing body has responsibility for maintaining the ‘sufficiency of the school’s financial resources’ to meet registration requirements. The constitution and/or equivalent documentation is to provide information that demonstrates practices and structures that enable the board to maintain appropriate financial oversight. Further information is provided in the explanatory notes in Criterion 5 - Financial Management, of this document.

Compliance with all written laws

The governing body of a school is responsible for ensuring that a school complies with the many legal requirements associated with its operation and in meeting the requirements of the *School Education Act 1999*. Relevant legislation includes, but is not limited to the Acts listed in Criterion 12 - Legal Compliance of this document.

1.3 Supporting documentation

Governing bodies may use a range of documents that support and add further information to that available in the constitution. These may include:

Conflict of interest

Documentation that sets out the actions required by board members to declare a conflict of interest on matters before the governing body.

Code of conduct

Rules which govern the conduct of board members.

Succession planning

Procedures that determine the length of service for board members and the skills and experience required to support the work of the board in the future.

Evaluating board performance

Good practice in governance indicates that a board engages in activity to regularly evaluate its own performance.

Committee structure

An outline of how the organisation of the operations of the board ensures, through delegations, appropriate oversight of its responsibilities and accountability.

Risk management

The governing body must maintain appropriate oversight to prevent the taking of unacceptable risks, even though it is not involved in the day-to-day operation of the school. In order to fulfil obligations in oversight management, the governing body should feel confident that there is a process of policy development and review. This is to include audits to identify risks and must include reporting of critical and other relevant incidents, to provide reasonable assurance that identified risks are being managed and duties and obligations are being met. Governing bodies should also consider professional indemnity insurance.

1.4 Not-for-profit status

'Not-for-profit' refers to the membership, purpose and activity of an association. It does not mean that an association cannot make a profit from its operations, but any profits must be used to further the objects of the association and cannot be distributed to members." (Source: *INC. A Guide for Incorporated Associations in Western Australia*, Department of Consumer and Employment Protection, June 2008).

Incorporation of the governing body under the *Associations Incorporation Act 1987*, or some other evidence of a school's not-for-profit status, is a pre-requisite for the provision of public funding. To become an incorporated association, the organisation must be not-for-profit.

If a school is seeking public funding, the DES requires a declaration of not-for-profit status in the application for registration or for renewal of registration. The governing body, through its financial oversight, has responsibility for ensuring that the conditions of the Funding Agreement¹ between the school and the government are implemented.

1.5 Register of governing body members

The Register records the names, skills and experience, and any police clearances for current members of the governing body including ex-officio and non-voting members.

¹ Further information in relation to the Funding Order can be found in Criterion 5 - Financial Management of this document. Registration Standards and Requirements 2014 - 2014/03780

Members of the governing body must be fit and proper persons for carrying out their responsibilities. Not only must they be people of good character, but as a body, they must have the necessary skills and experience for effective oversight of the school. Members of the school governing body must obtain a National Police Check or other evidence to establish their fit and proper bona fides as required in the *School Education Act 1999* in order to ensure that there is nothing adverse to their financial, education and student welfare responsibilities for the school. Ex-officio members of the board should also be included.

Further information can be found on the Western Australian Police website at

<http://www.police.wa.gov.au/OurServices/Policecheckcertificates/NationalPoliceCertificates/tabid/1339/Default.aspx>

Board members whose usual duties involve, or are likely to involve 'child-related work', as defined in the *Working with Children (Criminal Record Checking) Act 2004* (section 6), should hold a WWC card. Where a member of the governing body already has a WWC card from a previous and/or other organisation or employer, the school is to ensure that they are recorded as an employing authority by the WWC screening unit. For further information, refer to the WWC website at <http://www.checkwwc.wa.gov.au/checkwwcc>

The school's governing body should have members with a range of skills and experience and where possible include a member with business and financial expertise (that is, a member of a recognised accounting body, an experienced bursar, or person with a history of working in finance in another capacity). Where a governing body does not have members with the necessary skills and experience it should have access to people with such expertise to inform its decision-making. The governing body should make provision for succession planning of board members. When there is any change of board membership during the period of registration, relevant checks are to be obtained for any new members and details forwarded to the DES.

1.6 Minutes of meetings

A sample of minutes of the governing body meetings, including the AGM, may be used as an example of best evidence of the governing body carrying out its responsibilities for maintaining a satisfactory standard of education; accountability for the quality of educational programs provided, the safety and welfare of students, financial management and legal compliance.

1.7 School strategic plan

A school strategic plan outlines the future direction for development of the school and should be endorsed by the governing body. It is for the school to determine the size of any such plan, based on the level of detail deemed appropriate to the school context. Evidence could include how a strategic plan has been discussed at a board and/or management level.

Provision of a strategic plan demonstrates the governing body's commitment to its educational philosophy as outlined in its constitution and its ongoing accountability for the quality of education programs provided and the safety and welfare of students. Through its involvement in the preparation and endorsement of the strategic plan the governing body also demonstrates its leadership in setting the future directions and priorities in the development of the school. In 2014, the school governing body needs to be able to demonstrate how the early childhood program (Pre-Kindergarten to Year 2) is moving towards achieving the requirements outlined in the NQS (<http://www.acecqa.gov.au/national-quality-framework/national-quality-standard/>). Further information on the NQS is provided in Criterion 1 - Governance and Accountability (section 1.12) of this document.

1.8 Annual self-review (risk assessment)

The governing body is to undertake an annual self-review (risk assessment) relating to level of care in the school (including review of policies, procedures and deployment) in light of legislative requirements and non-government school registration requirements.

1.9 Critical incidents

The principal is to provide notification of any critical incidents to the chair of the governing body and to the Minister for Education through the DES as soon as it is practicable. Where mentioned, minutes of board meetings should indicate the date the DES was notified. Details of such critical incidents are to be included in a written annual report to the board as part of level of care matters.

1.10 Training opportunities

Provision of training opportunities for members of the governing body covering accountable and ethical decision making, complaint handling, duty of care and protective behaviours, with particular attention paid to the context of school boarding facilities if applicable.

1.11 Full Fee Paying Overseas Students (international students)

CRICOS Listing

Schools holding *Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)* registration, or seeking registration to deliver courses to full fee paying international students, must be approved and registered under the Western Australian *ESORA* and the *Commonwealth's ESOS Act (2000)*. The regulatory standards for the *ESOS Act* are embodied in a Commonwealth legislative instrument referred to as *the National Code (2007)*.

Once all State and Commonwealth requirements have been met, the DES will register the school and its courses on the CRICOS. Further information can be found on the CRICOS website at <http://cricos.deewr.gov.au>. The name of the school's **legal entity**, which may differ from the name of the governing body, and its **trading name** are then placed on CRICOS.

1.12 NQS in Early Childhood Education and Care and School Age Care

Early childhood education programs (Pre-Kindergarten to Year 2) in Western Australian schools will be required to meet the NQS from 1 January 2015. Schools will continue to be regulated through the existing registration processes so existing school quality assurance procedures are to be enhanced to incorporate the NQS by 2015.

Aspects of the NQS which specify staff qualifications, age specific child-to-staff ratios and age specific physical environment requirements will apply only to Pre-Kindergarten and Kindergarten. Principals will be responsible for improving school performance in the early childhood years by referring to the NQS to conduct an internal NQS audit each year in their school and to keep a record of that internal audit.

In 2014, it is expected that schools will be preparing for implementation of the NQS in 2015.

2. Student learning

Criterion:

The school provides a satisfactory standard of education of the kind for which registration is sought. Processes are in place for students who need a differentiated program in order for the school to cater for the learning needs of all students. The school has effective processes in place that enable it to plan for and achieve improvement in student learning.

[Reference: School Education Act 1999, s. 160(1)(d)]

Intent

The school focuses on the learning of all students through analysis of their individual needs, engagement and progress while implementing school-wide approaches to raising achievement in partnership with parents and the wider community.

Written evidence

Schools are requested to submit the following evidence with the application for registration or renewal of registration (refer to explanatory notes).

- 2.1 School **policy for the review of student learning**.
- 2.2 School **analysis of student learning** against individual, school and national expectations.
- 2.3 Evidence best related to a **school improvement plan**, or related document, outlining strategies to improve student learning outcomes, including literacy and numeracy.
- 2.4 An **annual report** including analysis of school performance that meets Commonwealth Government requirements.
- 2.5 Best examples of school **surveys, stakeholder communication** and/or **partnerships**.

Additional evidence (refer to explanatory notes)

- 2.6 **School website**.
- 2.7 Schools providing education to **Full Fee Paying Overseas Students (international students)**.
- 2.8 **Observations during the school visit**.

Explanatory notes

2.1 Policy for the review of student learning

School policy and procedures describe the ongoing process for the review of student learning (achievement, progress and engagement). This policy should outline when and how staff members are involved, what information is gathered and how it is used to support improvement planning.

Review of student achievement and progress is based on information gathered from a range of sources such as standardised test results (e.g. Australian Council for Educational Research (ACER) testing, National Assessment Plan – Literacy and Numeracy (NAPLAN), Western Australian Certificate of Education (WACE) exams); moderated school assessment of student achievement; and other information (e.g. Performance Indicators in Primary Schools (PIPS); early childhood screening tests; number of students completing stage-one, stage-two and stage-three senior secondary courses completed; students' post-secondary education and training pathways; staff, parent and student surveys).

Review of student engagement is based on information about student attendance, behaviour and motivation as well as any evidence relating to the impact of critical incidents and other matters relating to student welfare and safety on the engagement dimension of Student Learning.

2.2 Analysis of student learning

At various points during the school year schools analyse quality data on student learning (achievement, engagement and progress) in the ways that are described in the policy and procedures for the review of student learning.

Analysis of student learning includes consideration of the achievement, progress and engagement of individual students and targeted groups of students e.g. Aboriginal, English as an Additional Language or Dialect (EAL/D), special needs, gifted and talented and at-risk students.

The school's analysis should answer two key questions: '*how well are we doing?*' and '*how can we do better?*' These judgements are made against individual, school and national expectations. This provides the basis for evidence-based decision making at whole school, year cohort, classroom, group and individual level for improvement planning and changes to teaching and learning at the classroom and school levels.

The school's analysis of student learning should be featured in reports to its governing body to enable it to carry out its responsibility for maintaining a satisfactory standard of education. These reports also contribute to evidence that an effective school self-assessment and quality improvement process is in place.

2.3 School improvement plan

The school improvement plan describes the priorities identified through analysis of student learning (achievement, progress and engagement) and the strategies to improve teaching and learning.

The plan (different to a school strategic plan, refer to Criterion 1 - Governance and Accountability of this document) may be used as a key reference document for the governing body to enable it to carry out its responsibility for maintaining a satisfactory standard of education. It is linked to evaluation reports about curriculum implementation and the quality of education programs provided by the school.

The School Improvement Plan is to indicate progress the school is making towards the implementation of the Australian Curriculum (Phase 1 for mid-2015).

In 2014, a Protective Behaviours Curriculum is to be included as part of the School Improvement Plan and implemented as part of the Health and Physical Education Curriculum as described in the Curriculum Framework.

National School Improvement Tool

The National School Improvement Tool has been endorsed by the *Standing Council on School Education and Early Childhood* as one model for schools to use. Further information on the National School Improvement Tool is available from <https://www.acer.edu.au/nsit>.

2.4 Annual Report

The school's annual report including analysis of school performance that meets Commonwealth Government requirements. The *Australian Education Act 2013* requires each school to publish an annual report on the Internet within six months after the end of a year that includes:

Item	Information
a	Contextual information about the school, including the characteristics of the students at the school;
b	Teacher standards and qualifications (as mandated in the State or Territory in which the school is located);
c	Workforce composition, including Aboriginal and Torres Strait Islander composition;
d	Student attendance at school, including (i) the attendance rates for each year of schooling; and (ii) a description of how non-attendance is managed by the school.
e	Students results in NAP annual assessments;
f	Parent, student and teacher satisfaction with the school, including (if applicable) data collected using the National School Opinion Survey;
g	School income broken down by funding source;
h	For a school that provides secondary education: (i) Senior secondary outcomes, including the percentage of Year 12 students undertaking vocational training or training in a trade; and the percentage of Year 12 students attaining a Year 12 certificate or equivalent vocational education and training qualification; and (ii) Post-school destinations.

Source: *Australian Education Regulations 2013*, Subdivision H.

2.5 Surveys, stakeholder communication and/or partnerships

Surveys: Staff, student, family and community satisfaction surveys that have been used in improvement planning that promote student learning through effective engagement of families and community is to be provided. Culturally appropriate strategies are to be employed to ensure that viewpoints of diverse groups are included. Analysis of survey results contribute valuable evidence of the extent to which the school is achieving a satisfactory standard of education.

Stakeholder communication: Best examples of school communications with families and the community provides evidence of the range of methods used to share important information about student learning and progress in the school – this could include newsletters, parent meetings, or any other stakeholder communication strategies utilised by the school.

Partnerships: Schools are requested to provide examples of any partnerships which may have been developed with families, the community or other organisations to support student learning. This can be categorised as immediate or broader school stakeholders. This information will contribute to the evidence of the extent to which families have opportunities to be involved in their child's learning and support needs, the school and how they contribute to decision-making. It also demonstrates how the school has formalised links with community and support agencies relevant to student learning.

2.6 School website

The school's website is an additional source of evidence illustrating how families and the community are provided with information about, and involved with, the school and student learning. Independent School Reviewers will research the school website to gain additional understanding.

2.7 Full Fee Paying Overseas Students (international students)

For those schools that hold, or are seeking registration to deliver courses to international students, evidence must be provided of:

- A documented course progress policy and procedure provided to staff and international students/parents/guardians. The requirements are detailed under the *National Code 2007* standard 10 which can be accessed at <https://aei.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ExplanatoryguideD10.aspx>.

- A process of systematic monitoring of each international student's course progress. Registered providers must be proactive in notifying and counselling students who are identified as being at risk of failing to meet the curriculum course progress requirements. Where this is identified, the *National Code 2007* requires that providers implement and record an intervention strategy to remedy the situation.

2.8 Observations during the school visit

The school registration visit will enable Independent School Reviewers to observe the engagement of students and to discuss with a sample of teachers their analysis of student learning.

3. Curriculum

Criterion:

The school implements teaching and learning programs and enriching experiences that meet the learning needs of all students; provide for the continuity and adherence of the curriculum across the years of schooling for which registration is sought; and satisfies the curriculum requirements described by the School Curriculum and Standards Authority (SCSA) and approved for Western Australian schools.

[Reference: School Education Act 1999, s. 159(1)(b), School Curriculum and Standards Authority Act 1997]

Intent

To ensure that the school provides all students with a planned and structured curriculum to improve their learning and equip them with the knowledge, skills and attitudes needed to become “successful learners, confident and creative individuals, active and informed citizens” (*Melbourne Declaration on Educational Goals for Young Australians, 2008*).

Written evidence

Schools are requested to submit the following evidence with the application for registration or renewal of registration (refer to explanatory notes).

- 3.1 A **school curriculum plan** for the relevant stages of schooling (e.g. early childhood, middle primary, upper primary, lower secondary, upper secondary).
- 3.2 A **curriculum evaluation policy** explaining how and when curriculum delivery and teaching practice is evaluated.
- 3.3 An **assessment and reporting policy** and sample reports to parents (for each phase of schooling).
- 3.4 Evidence to demonstrate that **the governing body** is provided **information regarding curriculum implementation and evaluation of the quality of programs provided**.

Additional evidence (refer to explanatory notes)

- 3.5 **Evidence gathered during the school visit.**

Explanatory notes

It is expected that schools will comply with SCSA requirements as described in the Western Australian Curriculum and Assessment Outline: Reporting Policy: Foundation (Pre-Primary) – Year 10. For further information, refer to the SCSA website at http://www.scsa.wa.edu.au/internet/Years_K10/Curriculum_Assessment_Outline.

3.1 School curriculum plan

The school curriculum plan is to outline, for the relevant stages of schooling (e.g. early childhood, middle primary, upper primary, lower secondary, upper secondary) how the school meets curriculum requirements and how the school meets the diverse needs of its students through adjustments to teaching and learning programs.

The plan is to provide for links to be made across the learning areas and phases of student development as appropriate. It is also expected to facilitate decision-making about the way in which each student's progressive achievement may be monitored and reported. Planning at the classroom level should be linked to the whole-school plan.

In 2014 schools will be preparing for the implementation in 2015 of the NQS in the early childhood program (Pre-Kindergarten to Year 2). For further information in relation to the NQS refer to Criterion 2 - Student Learning of this document.

Curriculum requirements

SCSA will communicate directly with schools the Curriculum requirements and also provide online information through their website at http://www.scsa.wa.edu.au/internet/Years_K10/Curriculum_Assessment_Outline.

The Australian Curriculum

In 2012, the Minister for Education communicated to schools that for Western Australian schools, implementation of the Australian Curriculum was to be implemented over three years with full implementation of Phase 1 by mid-2015. Schools seeking registration or renewal of registration in 2014 are expected to be able to demonstrate significant progress towards the implementation of the Phase 1 subjects.

As prescribed in 2.3 (School Improvement Plan), for 2014, schools are asked to implement a protective behaviours curriculum for all years as part of the Personal and Social Competence and Intercultural Understanding General Capabilities with a view to strengthening child protection in non-government schools. Please note that protective behaviours are part of the Curriculum Framework Health and Physical Education learning area.

3.2 Curriculum evaluation policy

Documents outlining the approach to monitoring and evaluating the effectiveness of curriculum and teaching practice provide evidence of the curriculum evaluation process used in the school. Curriculum evaluation involves teachers and school leaders reflecting on the effectiveness of programs, strategies, resources and teaching practice in improving student learning and adjusting teaching and learning programs to respond to student needs. It enables the school to answer questions such as: What is working and needs to be maintained? What is not working and needs to be modified? Are there particular contexts and/or group/individual learning needs that are not being addressed? To what extent are the support and learning needs of students with disabilities and at-risk of educational failure being met?

3.3 Assessment and reporting policy

SCSA provides information and advice regarding assessment and reporting requirements for Western Australian schools:

In the assessment and reporting policy schools should make provision for the following:

- Students' progressive achievement in learning areas is monitored consistently within and across years of schooling.
- Student achievement is recorded and communicated within the school as a basis for ongoing curriculum planning.
- Student achievement is reported to parents, and the school community, as required and as appropriate.

3.4 Information provided to the governing body regarding curriculum implementation and evaluation of the quality of programs provided

The governing body is to receive regular advice and information regarding curriculum implementation and evaluation. Information should identify areas of strength and areas for improvement in the school's curriculum plan, as well as improvement strategies to be implemented.

3.5 Evidence gathered during the school visit

This will typically be gathered through discussions with school curriculum leaders and/or a sample of classroom teachers; observations in a sample of classrooms; and viewing a sample of teaching and learning programs, student work and assessment records (including the student record system). The school registration visit will also enable Independent School Reviewers to observe whether schools have sufficient resources for teaching and learning across all learning areas.

Schools providing education to students in care of the Chief Executive Officer of the Department of Child Protection and Family Support (CPFS)

For schools with students in the care of the Chief Executive Officer of the CPFS, *Documented Education Plans* will also be examined during the school visit.

Schools are required to develop and implement a *Documented Education Plan* for each child or young person in the care of the Chief Executive Officer of the CPFS.

Documented Education Plans will be examined during the visit for each school's renewal of registration, or at any other time if requested by the Minister under section 176 or 177 of the *School Education Act 1999*. For further information, refer to Criterion 4 - Level of Care (section 4.8) of this document.

Additionally, a *Health Plan* must be developed and implemented where a child or young person in the care of the Chief Executive Officer of the CPFS resides in the school boarding facility.

4. Level of care

Criterion:

The school must ensure that it provides a safe and healthy environment for students at all times. Policies and procedures related to the care, safety and welfare of students are in accordance with any applicable State and Commonwealth laws, and that staff are advised of their obligations under those laws.

[Reference: School Education Act 1999, s. 160(1)(e) and s. 159(k)]

Intent

To ensure that the school provides a positive, inclusive and safe environment in which students feel physically and emotionally secure and has effective policies, procedures and strategies in place to respond promptly and appropriately to critical incidents affecting student wellbeing.

Written evidence

Schools are requested to submit the following evidence with the application for registration or renewal of registration (refer to explanatory notes).

- 4.1 Strategies to develop a **positive learning environment**.
- 4.2 **Student welfare** policies and procedures.
- 4.3 **Student safety** policies and procedures.
- 4.4 Procedure for notification of **critical incidents**.
- 4.5 **Student health** policies and procedures.
- 4.6 Where applicable, the policies and procedures for welfare, safety and care of students in **boarding facilities**.

Additional evidence (refer to explanatory notes)

- 4.7 Schools providing education to **Full Fee Paying Overseas Students** (international students).
- 4.8 **Observations during the school visit**.

Explanatory notes

The development and implementation of policies and procedures related to level of care for students underpins this criterion. Involvement of the governing body in policy endorsement provides evidence of meeting their responsibility for oversight of the arrangements for ensuring safety and welfare of students and legal compliance. Good practice in this area also includes dating of policies and noting the date for review. Strategies for ensuring staff and parents (and students, as appropriate) understand the policies are also critical.

4.1 Positive learning environment

Schools are to provide evidence of the strategies implemented to develop a positive and inclusive school culture in which respectful and equitable relationships are fostered. In a positive environment students are able to engage with teachers in meaningful, open interactions that support the acquisition of skills for life and learning. Each student is supported to feel secure, confident and included. Students are supported to work with, learn from and help others through collaborative learning opportunities. The dignity and rights of every student are maintained at all times. Students are supported in managing their own behaviour, responding appropriately to the behaviour of others and communicating effectively to resolve conflicts.

For example, schools may provide information on policies, procedures and strategies to develop a school ethos; pastoral care; student behaviour; positive learning environments; and procedures for managing bullying, harassment and discrimination.

4.2 Student welfare

Policies and procedures related to student welfare include child protection (including mandatory reporting); privacy principles; internet and mobile phone usage including social media; parent/guardian access arrangements; and maintaining appropriate relationships between staff and students.

Child Protection

Registered non-government schools must develop and implement a child protection policy as a component of duty of care obligations to students. The policy is to include procedures for safeguarding students from harm; identifying neglect or emotional, physical or sexual maltreatment; responding to allegations of students being harmed or put at risk; dealing with allegations of misconduct within the school; and providing access to qualified counselling support and referring situations of maltreatment or neglect to relevant outside agencies. The policy must refer to and be consistent with mandatory reporting requirements which came into force on 1 January 2009.

The CPFS website provides information and additional resources for mandatory reporters

Mandatory Reporting

The *Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008* mandates that individual teachers are personally responsible for making a written report directly to the CPFS in the following instance:

- a. If he/she believes on reasonable grounds that a child has been the subject of sexual abuse or is the subject of ongoing sexual abuse; and
- b. He/she forms the belief in the course of his/her work.

Failure to do so can result in a fine of up to \$6000.

4.3 Student safety

Policies and procedures related to student safety include emergency management plans such as catastrophic weather warnings, bushfire preparedness and evacuation (if appropriate); lockdown procedures; critical incident plans; on-site water-based activities (if applicable); and supervision of off-site activities - including school excursions, water safety, workplace learning, vocational education and training (VET).

Systematic and relevant proactive risk management should be developed to ensure that the school is meeting its obligations and duties for the health, safety and welfare of staff and students. Schools may choose to use external agencies or specialist providers to assist in the identification and resolution of risk issues. Documents such as audits and plans to manage risk provide evidence towards meeting registration requirements.

Facilities used by the school and school activities are to be regularly audited to identify risk. Safety audits should be implemented to identify potential hazards and risk areas around the school. These are documented and steps taken to minimise risk.

Management plans for student safety must be prepared for students engaged in off-site VET, workplace learning and/or community service programs.

Catastrophic Weather Warnings, bushfire preparedness and school evacuation

AISWA has developed Bushfire Management Guidelines. Schools may also wish to consider the appointment of an independent bushfire consultancy firm to provide a bushfire management plan for the school. Further details can be provided by AISWA or the DES.

Additional advice in relation to Catastrophic Weather Warnings, bushfire preparedness and school evacuation can be sought from the Department of Fire and Emergency Services (DFES), the local authority, AISWA or the DES.

While not specifically tailored to schools, the DFES website may also be of assistance with complementary information on risk minimalisation. The DFES publications are recommended for consideration in any planning undertaken by the school.

4.4 Critical incidents

The principal is to provide prompt notification of any critical incidents to the chair of the school governing body and the Minister for Education through the DES as soon as reasonably practicable. The date and time the DES was notified should be indicated in the minutes of governing body meetings.

Non-government schools are required to notify the DES of any of the following critical and/or emergency school incidents as soon as is practicable and, in any event, within 48 hours of the incident:

- circumstances that pose a critical risk to the health, safety or well-being of one or more students or staff;
- incidents requiring school closure, lockdown, or reduction of number of students or staff attending;
- death, or life-threatening injury, of a student or staff member at school, or following an incident that occurred at the school or through a related school-based activity or circumstance.

A Critical Incident Report form is available on the DES website at <http://www.des.wa.gov.au>.

If critical and/or emergency incidents have occurred, the focus of Independent School Reviewers will be to understand how the school has responded.

Schools must have a documented Critical Incidents Policy together with procedures that cover the action to be taken in the event of a critical or emergency incident, the required follow-up to the incident, the recording of the incident and the action taken.

4.5 Student health

Policies and procedures related to student health include arrangements for ill students, administration of medication, management of students with allergic reactions (including anaphylaxis), management of medical conditions (including records), communicable and infectious diseases, food and nutrition, sun protection, smoking, substance abuse, and first aid. Schools with canteens should also provide evidence of meeting local government health requirements.

4.6 Schools with boarding facilities

Policies and procedures must be in place for student boarding facilities and should detail how a safe, healthy and supportive boarding environment for all enrolled boarders, including those with disabilities, is being provided and maintained at all times. Students, parents and staff must be given a clear and comprehensive statement of these policies and support their implementation. The student welfare and safety policies and procedures including provision for reporting critical incidents must be reviewed regularly. As part of best practice, training of staff members within boarding facilities should be conducted on a regular basis.

4.7 Full Fee Paying Overseas Students (international students)

For those schools that hold, or are seeking registration to deliver courses to international students, the following evidence must be provided:

- the school must have a documented critical incident policy together with procedures that cover the action to be taken in the event of a critical incident, required follow up to the incident, and records of the incident and action taken. (Standard 6.4 of the *National Code 2007*).
- the school has implemented student support services, including adequate counselling and pastoral care services, specific to its international students that meet the requirements of *National Code 2007* standard 6 and the ESPRA s. 13(1)(g). For example, an age and culturally sensitive orientation program as well as a contact officer or officers appointed as the official point of contact for students. For further information, refer to <http://www.aei.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ExplanatoryguideD6.aspx>.

Schools must also ensure that they have identified processes to confirm that staff members who interact directly with students are aware of the obligations under the ESOS and ESPRA frameworks and the potential implications for students arising from the exercise of these obligations.

- suitable accommodation and welfare arrangements are provided by a parent, a nominated suitable relative or a school, for students under 18 years of age. Should neither a parent nor a suitable relative be in Australia to directly provide for the welfare of a student, and the school accepts the student, it must approve suitable accommodation and welfare arrangements and complete a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter available through the Commonwealth Department of Immigration and Border Protection. This includes ensuring the appropriateness of care during term breaks unless the student will be returning to their parents or guardian. Where the school approves the arrangement for under 18 years of age students, it must nominate two dates:

(1) when the school has elected to begin taking responsibility; and

(2) when the school will cease to take responsibility for approving the welfare arrangements for that student.

For further information, refer to <http://www.aei.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ExplanatoryguideD5.aspx>.

4.8 Observations during the school visit

During the school visit, Independent School Reviewers will make observations about implementation of the school's policies and practices related to the level of care including, where applicable, boarding facilities. The visit also provides an opportunity for Independent School Reviewers to view *Documented Education Plans* prepared for students in the care of the Chief Executive Officer of the CPFS, if applicable.

Students in Care

Under the *Children and Community Services Act 2004 (CCS Act)* a child in the care of the CEO of the CPFS will have a provisional care plan, or care plan that identifies his/her needs and outlines steps or measures to be taken in order to address those needs. A child may be:

- in provisional protection and care;
- the subject of a protection order (time limited) or a protection order (until 18);
- the subject of a negotiated placement agreement; or
- provided with placement services under section 32(1)(a) of the CCS Act.

Documented Education Plan

Each child in care will have been allocated a CPFS Case Manager who is responsible for supervising the placement and on-going support of children in the care of the CEO. Schools which enrol a child in care are required to develop and implement a *Documented Education Plan*. Guidance for non-government schools on the development of *Documented Education Plans* may be obtained from the CPFS website or from the child's Case Manager at the CPFS District Office in your area.

Corporal Punishment

In the very rare case of a school that uses corporal punishment as part of its overall policy for managing student behaviour, Independent School Reviewers will view evidence demonstrating how this is made known to prospective parents prior to enrolment. Independent School Reviewers will also view documented procedures and records of all corporal punishment administered.

5. Financial management

Criterion:

The school's financial resources should be sufficient to provide a satisfactory standard of education of the kind for which it is registered and satisfactory levels of care to all students in accordance with their needs.

[Reference: School Education Act 1999, s. 159(1)(l)]

Intent

To ensure that the financial leadership and management of school operations and its long-term viability are maintained for the benefit of students.

Written evidence

Schools are requested to submit the following evidence with the application for registration or renewal of registration (refer to explanatory notes).

It should be noted that schools may be requested to submit additional evidence in relation to ongoing financial management.

- 5.1 Most recent **audited financial statements** and independent audit report.
- 5.2 Current **school year operating financials (management accounts)**.
- 5.3 **Schedule of loan agreements**, if applicable.
- 5.4 **Property lease or rental agreements**, if applicable, including the length of the lease or rental agreement and the annual cost of accommodation services.
- 5.5 Information about any **remuneration** paid to members of the governing body and the award or agreement under which **staff salaries** are being paid.
- 5.6 Most recent **Commonwealth Financial Questionnaire** completed by the school.
- 5.7 Current **school business plan**.
- 5.8 **Current year's budget and forecast budgets of three to five years**.
- 5.9 **Insurance policies** covering risk areas for the school.

Explanatory notes

5.1 Audited financial statements

The audited financial statements are to include a statement of income and expenditure (statement of comprehensive income), balance sheet (statement of financial position) and (where it exists) a statement of cash flow to 31 December 2013. Depending on the date of the registration visit, it is expected that audited financials are available for any visit after April. Otherwise unaudited financials to 31 December 2013 are to be submitted as well as the most recent audited financial statements that are available.

The financial statements should be accompanied by the Independent Audit Report, the auditor's independence declaration and management letters and the school's response, if applicable. Management letters list matters that auditors have brought to management's attention.

The Independent Audit Report must be prepared by a registered auditor (as defined in the *Corporations Act 2001*); that is, a qualified accountant having current membership of either:

- i. CPA Australia as a Certified Practising Accountant; or
- ii. The Institute of Chartered Accountants in Australia as a Chartered Accountant; or
- iii. The Institute of Public Accountants as a Public Accountant; or
- iv. Appropriate membership of an overseas accounting body that is approved in writing by any two of the aforementioned bodies as having requirements for membership equivalent to those of the approving body.

[Source: Treasurer's Instruction 824 08/04/2008 and Corporations Act 2001 (Cth)].

5.2 School year operating financials (management accounts)

The school's most recent operating financials (management accounts) including variance analysis to the budget at the time of the registration visit and forward projections to 31 December 2014 are also required. These accounts are also to include a statement of income and expenditure and a balance sheet.

Schools may also be requested to provide a Statement of Solvency which is a prescriptive list of assets and liabilities including references to financial contingencies and commitments.

5.3 Schedule of loan agreements

Loan agreements may impact the financial viability of the school. A schedule of any agreements is required if it has not already been provided in the financial statements. The schedule should provide the names of parties involved and the terms of the loan. Details are also required for loans involving related parties (i.e. directors, principals, employees, parents, benefactors, other trading entities). It is not necessary to include information about government-funded Low Interest Loans, as this information is held by the DES.

5.4 Property lease or rental agreements

Lease and rental agreements have a major impact on the financial viability of a school. Written agreement(s) are to be provided for the property used by the school and should detail the annual cost of accommodation services. Formal agreement(s) should be signed and dated by both parties (i.e. owner and lessee), include the length of tenure and clearly state on the document all parties involved.

5.5 Remuneration and/or staff salaries

Details of any remuneration paid to any members of the governing body should be provided. Staff salaries usually constitute the highest proportion of a school's expenditure. Details of the Award or Agreement under which staff salaries are paid are to be provided to assist in determining the financial viability of the school. This is also relevant to the school's capacity to attract and retain staff and therefore its ability to maintain continuity of programs.

5.6 Commonwealth Financial Questionnaire

Schools are required annually to complete the *Financial Questionnaire* for non-government schools under their funding agreement with the Commonwealth.

5.7 School business plan

A school business plan outlines the current objectives/targets to be achieved through the day-to-day operation of the school. It is for the school to determine the size of any such plan, based on the level of detail deemed appropriate to the school context. A school business plan may be part of the school strategic plan.

5.8 Current year's budget and forecast budgets of three to five years

The current year's budget and forecast budgets as per the school's business plan provide information about predicted future enrolment trends, income, expenditure and cash flow. These include cash flows for projected operations of the school including asset investment plans. They provide evidence of the school's sound financial management and on-going viability. This information is also linked to the Board's strategic plan for the school.

5.9 Insurance policies

Schools are to provide copies of current insurance policies covering, for example, public liability, professional indemnity, buildings and all risks.

Additional information relating to financial management

Funding agreements

State funding of non-government schools is provided for under Part 4, Division 5 - *Funding*, of the *School Education Act 1999*. Sections 182 to 185 of the Act enable the Minister to:

- Allocate moneys that have been appropriated by Parliament for the purpose of assisting registered schools and school systems. These allocations must be made in accordance with an order made or guidelines issued under such an order. The *Non-Government Schools Funding Order* published in the *Government Gazette* makes provision for the purposes for which and the manner in which, monies appropriated by Parliament are to be applied in assisting registered schools and school systems. The Order provides for –
 - monies to be paid to the governing body of a registered school, or a school system for which a system agreement is in force;
 - guidelines to be issued by the Minister from time to time expressing the principles upon which assistance will be given;
 - any assistance provided to be subject to such conditions, limitations or restrictions as are specified in the order.
- Require a report as to the application of monies provided under this Division. If the governing body fails to furnish any report required by the Minister; any condition, limitation or restriction on the use of monies is not complied with, or the Minister is of the opinion that monies have not been applied in accordance with an order; the Minister may recover the monies as a debt in a court of competent jurisdiction.

Since 2010 all governing bodies of non-government schools have been required to sign a *Non-Government Schools Funding Agreement* as an acknowledgement by the governing body of the terms and conditions for payment of financial assistance as defined in the Act and the Funding Order.

As part of this agreement the Minister requires school governing bodies to submit a grant acquittal in relation to the application of moneys (as provided for in the Act).

Guidelines for the Funding of Non-Government Schools are issued prior to each State Census. These guidelines include the principles upon which funding is provided and outline the procedures for completing the Census and Funding Application.

Grants Auditing Program

In addition the *Grants Auditing Program* will continue with a random sample of non-government schools selected each year for detailed checking of student information and grant claims. Every school will be audited at least once every five years. Auditing at each school of enrolments, attendance, visa documentation, transfer of student information to the census return and a claim for a per capita grant will be undertaken.

6. Staff and management

Criterion:

The school employs teachers holding current registration with the Teacher Registration Board of Western Australia and whose qualifications as a teaching body are appropriate to effectively deliver all aspects of the school's curriculum. All teaching and non-teaching staff must hold a *Working with Children check*. Performance management and professional learning must be linked to individual staff appraisal processes and school planning.

[Reference: School Education Act 1999, s. 159(1)(e)]

Intent

To ensure that the practices, interactions and relationships of a school's staff members are guided by professional standards in order to provide a learning environment that is safe, predictable and stimulating for all students.

Written evidence

Schools are requested to submit the following evidence with the application for registration and renewal of registration (refer to explanatory notes).

- 6.1 A **staff declaration** is to be provided by the principal.
- 6.2 **School organisation chart** which demonstrates the management structure, including the arrangements for educational leadership.
- 6.3 **Staff induction, performance management and professional learning** policies and procedures, including the oversight and management of agents engaged with the marketing /enrolment of international students.
- 6.4 **Staff handbook**.
- 6.5 Where applicable, the details of staff employed in relation to the management and operation of the **school's boarding facility**.

Additional evidence (refer to explanatory notes)

- 6.6 Schools providing education to **Full Fee Paying Overseas Students (international students)**.
- 6.7 **Evidence gathered during the school visit**.

Explanatory notes

Teacher Registration

The Teacher Registration Board of Western Australia (TRBWA) took over teacher registration functions and responsibilities of the Western Australian College of Teaching (WACOT) from 7 December 2012. The *Teacher Registration Act 2012* (the TRA) made several significant changes to the system of teacher registration and the obligations of employers. Attention is drawn to the following:

- Employing an unregistered teacher to teach continues to be an offence (section 7(1) of the Act) and the offence of employing a teacher in contravention of any conditions on his or her registration has been created (section 7(2) of the TRA).
- Employers are responsible for applying for limited registration (formerly Limited Authority to Teach – LAT) for a nominee and paying the registration fee (sections 12 and 17 of the TRA). Nominees, once registered, are responsible for their own annual fees.
- Teachers holding non-practising registration are able to teach for up to one year before they transition to full or provisional registration on satisfying the relevant professional standards (*Teacher Registration (General) Regulations 2012*, regulations 15 and 16).
- The professional learning activities requirements have been extended and their completion is a pre-requisite to renewal of registration (see section 22 of the TRA and regulation 9 as well as the TRBWA's Professional Learning Activities Policy).
- Employers who begin an investigation or enquiry into the conduct or competence of a teacher and, as a result, the teacher no longer works at the school, must notify the TRBWA of that fact whether the investigation was concluded or not and whether the teacher was dismissed or not. A confidentiality agreement does not excuse the school from compliance with this notification obligation. (See section 42 of the TRA and regulations 25 and 26).

Further information can be found on the following websites:

Teacher Registration Board of Western Australia at www.trb.wa.gov.au.

Professional Standards for Teachers in Western Australia at www.trb.wa.gov.au/currently-registered/professional-standards/.

Professional Learning Activities Policy at www.trb.wa.gov.au/files/9613/6860/3049/TRB_Professional_Learning_Activities_Policy.pdf.

6.1 Staff declaration

The TRA requires that all teachers are registered with TRBWA. There are four categories of registration:

- Full registration (FR)
- Provisional registration (PR)
- Limited registration (LR)
- Non-practising registration (NPR)

Full registration

In accordance with section 15 of the TRA a person is eligible for full registration as a teacher if the person –

- (a) *has a teaching qualification –*
 - (i) *from an accredited initial teacher education programme; or*
 - (ii) *that the Board recognises as equivalent to such a qualification;**and*
- (b) *meets the professional standards approved by the Board for full registration, or has done so within the previous 5 years; and*
- (c) *is a fit and proper person to be a registered teacher; and*
- (d) *has the English language skills, both written and oral, prescribed as suitable for registration as a teacher.*

Provisional registration

In accordance with section 16 of the TRA a person is eligible for provisional registration as a teacher if the person –

- (a) *has a teaching qualification –*
 - (i) *from an accredited initial teacher education programme; or*
 - (ii) *that the Board recognises as equivalent to such a qualification;**and*
- (b) *meets the professional standards approved by the Board for provisional registration, or has done so within the previous 5 years; and*
- (c) *is a fit and proper person to be a registered teacher; and*
- (d) *has the English language skills, both written and oral, prescribed as suitable for registration as a teacher.*

Limited registration

In accordance with section 17 of the TRA a person (the nominee) is eligible for limited registration as a teacher if the nominee –

- (a) *has been offered a teaching position in an educational venue by a person or entity; and*
- (b) *is a fit and proper person to be a registered teacher; and*
- (c) *has the English language skills, both written and oral, prescribed as suitable for limited registration as a teacher; and*
- (d) *meets any other requirements for limited registration as are prescribed.*

Non- practising registration

In accordance with section 18 of the TRA a person is eligible for non-practising registration as a teacher if the person –

- (a) *the person –*
 - (i) *does not intend to teach in an educational venue for a period of time; and*
 - (ii) *holds full registration or provisional registration;**or*
- (b) *the person intends to teach in an educational venue and meets the requirements for –*
 - (i) *full registration as set out in section 15, other than the requirement regarding professional standards set out in paragraph (b) of that section; or*
 - (ii) *provisional registration as set out in section 16, other than the requirement regarding professional standards set out in paragraph (b) of that section.*

The **Staff declaration** should detail the following for both teaching and non-teaching staff:

- legal name;
- date of birth;
- WWC card number and expiry date;
- TRBWA registration number and status.

WWC card details are also required for:

- (a) volunteers who are not parents of children at the school; and
- (b) parents of children at the school who undertake a professional role at the school (even if unpaid).

The school must maintain a staff register that includes the details required for the employing authority to exercise its responsibility in relation to teacher registration, employment of non-teaching staff and requirements for WWC checks and/or Police clearances.

The *Working with Children (Criminal Record Checking) Act 2004* requires all teachers to hold a WWC card. Non-teaching staff, and certain volunteers (i.e. those who are not parents of students in the school and parent volunteers who undertake a professional role in the school), must also hold a current WWC card. Information about the WWC check is available on the CPFS website at www.checkwwc.wa.gov.au.

As best practice, schools could request those volunteers exempt from WWC checks to apply for a National Police Check. For further information, refer to <http://www.police.wa.gov.au/OurServices/PoliceChecks/tabid/1202/Default.aspx>.

6.2 School organisation chart

An overview of the management structure will outline the reporting relationships and educational leadership. Schools are to ensure suitably qualified and experienced educators lead different phases of schooling (including early childhood); and the curriculum; and, establish clear goals and expectations for teaching and learning.

6.3 Staff induction, performance management and professional learning

The school leadership is responsible for promoting a positive organisational culture and building a professional learning community. There must be clear links between performance management, professional learning and student learning.

Effective leadership ensures the implementation of:

- procedures for the induction of new staff members to maintain continuity of the learning environment and duty of care for students;
- performance management procedures for all members of teaching and non-teaching staff; and
- professional learning opportunities that are relevant and ongoing.

6.4 Staff handbook

The Staff handbook outlines the school's context, procedures and standards. The handbook will refer to the Professional Standards for Teachers in Western Australia, and set out expectations about interactions between staff members, students and their parents/carers. The handbook is to include procedures for non-teaching staff to report through the principal, all forms of suspected child abuse.

6.5 School's boarding facility

The skills and number of boarding staff should be suitable for the number of boarders and their activities and responsibilities. All boarding staff members are to:

- have completed a National Police Check, to confirm that they have no conviction which renders them unfit to work in a boarding school. (This applies also to volunteers);
- be qualified and competent to administer first aid;
- know, understand and practise their legal duty of care responsibilities;
- know and practise the school's boarding policies and procedures;
- have up to date information, induction and training in all matters necessary for the safety and health of boarding students, including that they report through the Principal suspected child abuse; and
- provide close and caring supervision at all times.

6.6 Full Fee Paying Overseas Students (international students)

The school must be able to demonstrate how its staff members who interact directly with students are aware of the schools obligations under the ESOS framework and the potential implications for students arising from the exercise of these obligations. (Refer Standard 6.7 of the *National Code 2007*).

Effective leadership ensures the implementation and oversight of procedures for managing education agents engaged for the purposes of marketing to, or enrolment of, international students, including the maintenance of agent identification information on the school's website [as per ESOS (*Re-Registration of Providers and Other Measures Act 2010*) s.21a]

6.7 Evidence gathered during the school visit

During the school visit Independent School Reviewers will make observations about implementation of the school's policies and practices related to performance management, staff professional learning and where applicable, staffing of boarding facilities.

7. Physical environment

Criterion:

The school provides a physical environment that is safe, suitable and enables a diverse range of experiences which promote student learning and development.

[Reference: School Education Act 1999, s. 159(1)(f) and (g)]

Intent

To ensure that a school's buildings, facilities, grounds, furniture, equipment and resources meet all legal standards, fully comply with all health and safety requirements, are adequate for effective delivery of the school's curriculum and co-curricular activities and suited to students' various ages and developmental stages.

Written evidence

Schools are requested to submit the following evidence with the application for registration or renewal of registration (refer to explanatory notes).

- 7.1 For all changes to the school's location, or infrastructure changes that have taken place since the last Registration visit:
 - copies of documents showing **compliance with zoning regulations** of the local government area relating to land owned or leased by the school and used for provision of education programs; and
 - copies of documents showing **compliance with building regulations** of the local government area.
- 7.2 A **maintenance schedule** for buildings, facilities, furniture, equipment, and grounds.
- 7.3 Maintenance schedules, licencing compliance and driver qualifications for all **vehicles** owned or leased by the school and used to transport students.
- 7.4 Policy and procedures for **occupational safety and health**.
- 7.5 **Risk management** audits and plans.
- 7.6 Where applicable the schools infrastructure relating to **boarding facilities**.

Additional evidence (refer to explanatory notes)

- 7.7 **Evidence gathered during the school visit.**

Explanatory notes

7.1 Changes to location or infrastructure

For all changes to the school's location, or infrastructure changes schools:

- Where a school has purchased or leased property that is used or intended for use in the provision of education programs, an application for Change of Registration must be submitted to the DES. This application should include copies of documents showing **compliance with zoning regulations** of the local government area.
- Where a school has constructed or modified buildings since the last registration visit, copies of documents showing **compliance with building regulations** of the local government area should be provided. Evidence may consist of copies of development application, building licence and building classification. Detailed floor plans and other documents do not have to be submitted as they can be viewed during the school visit.

7.2 Maintenance schedules

Two types of document provide evidence of meeting the registration requirements. This includes:

- a **replacement or improvement schedule** that outlines for a two to five year period key areas such as painting, carpets, gutters, furniture etc. This commonly has an associated budget plan and date for action;
- a planned **annual maintenance schedule** that covers areas such as gutter cleaning, air conditioning maintenance and associated short term and regular activity designed to ensure buildings and grounds are maintained for the health and safety of students and staff.

The school visit will provide the opportunity for Independent School Reviewers to see an operating annual maintenance schedule.

7.3 Vehicles

Schools with their own or leased vehicles used for transporting students are required to comply with State licensing and inspection regulations regarding safety and maintenance. Details of licensing and maintenance schedules provide evidence of compliance. In addition the licensing qualifications of bus drivers and their appropriate registration for child-related work (if not supplied in Criterion 6 - Staff and Management) can be included as written evidence of compliance.

7.4 Occupational safety and health

Schools are required to demonstrate through their Occupational Safety and Health (OSH) policy and procedures that the safety and welfare of students and staff is managed appropriately. Good practice indicates that a person on staff with OSH training is required to ensure that regular audit, reporting, proper identification and remediation of issues is undertaken.

Some smaller schools have been able to utilise a parent with OSH training to undertake these duties on a voluntary basis. In some cases a school may choose to seek advice from, or be reviewed by, an external agency or specialist provider to establish its compliance with occupational safety and health requirements.

For 2014 many schools will be preparing for implementation of the NQS in 2015. Aspects of the NQS which specify age specific physical environment requirements will apply only to Pre-Kindergarten and Kindergarten.

7.5 Risk management

All facilities used by the school are to be regularly audited to identify risk. Plans to minimise risk must be developed to ensure that the school is meeting its obligations and duties for the health, safety and welfare of staff and students. The physical environment used for early childhood education needs to meet the NQS and should be considered in 2014 in preparation for reporting implementation of the NQS in 2015.

Schools may choose to use external agencies or specialist providers to assist in the identification and resolution of risk issues. Documents such as audits and plans to manage risk provide evidence towards meeting registration requirements.

7.6 Boarding facilities

All buildings used to accommodate boarding students should meet appropriate standards for the health and safety of all enrolled students, including those with disabilities. This applies to buildings on-site as well as any buildings in which boarders may be accommodated on short trips away from the school site. The physical environment should provide a pleasant and suitable setting for the promotion of the health, safety, educational progress and wellbeing of its boarding students.

The facilities, vehicles, furniture and equipment should conform to fire and safety regulations, be sufficient, appropriate, provide personal privacy, be clean and well maintained for all of the communal and private aspects of boarding. Where there are students with disabilities, their accommodation should be suitably adapted for access to all necessary facilities and areas.

Buildings and surroundings should be:

- adequately heated/cooled;
- conform to fire and safety regulations and equipped for emergencies;
- free of significant hazards and safe for all boarders;
- hygienic;
- secure from intrusion and sufficiently private;
- well lit, well ventilated and well maintained;
- accessible to all boarders; and
- sufficiently spacious for study, sleep, meals and recreation.

7.7 Evidence gathered during the school visit

During the school visit Independent School Reviewers will make observations about implementation of the school's policies and practices related to the maintenance of an appropriate physical learning environment including, where applicable, boarding facilities. Offsite facilities owned or leased by the school are subject to the same requirements, provision of evidence and may require inspection.

School buildings, facilities and grounds, including all campuses and off-site facilities, will be inspected to ensure that the physical environment:

- is suitable in regard to location of the school buildings, facilities and grounds. This is normally considered through the planning process for new and significantly changing non-government schools, refer to the DES website for further information.
In the renewal of registration process the school's location would only be considered if a significant, unexpected change had occurred since the previous school visit (e.g. change of neighbouring land uses impacting the school operations). In such cases a school risk mitigation response would be expected.
- provides a pleasant environment for the promotion of the health, safety, educational progress and wellbeing of students;
- provides safe access, including appropriate drop off and pick up arrangements, particularly for students in the early years;
- is accessible and suitable for all students enrolled in the school, including those with disabilities;
- complies with Australian Standards for all minimum safety and health requirements for school purposes, particularly in Science, Design and Technology, Food and Nutrition areas and practical areas where high risk materials and equipment are used and where high levels of fumes or dust are present;
- is satisfactory in terms of: extraction, hygiene, maintenance, natural and artificial light, natural and mechanical ventilation, safety, security and space.

Provision of facilities for people with disabilities

The Western Australian *Disability Services Act 1993*, the federal *Disability Discrimination Act 1992* and the Disability Standards for Education 2005 stipulate requirements for the provision of facilities for people with disabilities. Complying with the Building Code of Australia or other local planning regulations does not necessarily mean that facilities will comply with this legislation. Detailed information on action that should be taken to meet the requirements of the legislation is contained in the Australian Human Rights Commission (formally Human Relations and Equal Opportunity Commission) advisory notes on access to premises, on the Commission's website at www.hreoc.gov.au/disability_rights/buildings/access_to_premises.html.

8. Enrolment and attendance

Criterion:

The school has clearly defined enrolment and attendance policies and procedures that meet all legal requirements.

[Reference: School Education Act 1999, s. 159(1)(i)]

Intent

To ensure that a school's enrolment and attendance practices meet all legal requirements.

Written evidence

Schools are requested to submit the following evidence with the application for registration or renewal of registration (refer to explanatory notes).

- 8.1 Enrolment policy and procedures** and associated documents such as the related information for prospective students and their parents and an enrolment application form.
- 8.2 Attendance policy and procedures**, including the procedures for monitoring and recording student attendance and following up on extended and unexplained absences of any duration.
- 8.3** The school's **attendance records and enrolment register** is maintained in accordance with legal requirements and established agreements.

Additional evidence (refer to explanatory notes)

- 8.4** Schools providing education to **Full Fee Paying Overseas Students (international students)**.
- 8.5 Evidence gathered during the school visit.**

Explanatory notes

8.1 Enrolment policy and procedures

Schools will have an enrolment policy and associated documents such as an enrolment application form and published information for prospective students and their parents (including details of the orientation process for students and their families).

The enrolment application form will require parents/carers to provide information to the school that meets its legal obligations (student's legal name, usual place of residence and date of birth) and matters to support the enrolment of their child. This information may include:

- details of legal provisions for care, welfare and development of the student (including copies of Family Court orders);
- country of residence of student and if applicable, the right to reside in Australia;
- emergency contact information;
- details of any disability the student is known to have; and
- details of any medical condition the student is known to have and any procedure to be followed if the condition requires or may require support during the school day.

As part of their enrolment policy and procedures schools should ensure that they have practices for regularly updating the above information.

The school's enrolment practices must also comply with the Commonwealth's *Sex Discrimination Act 1984* and the Western Australian *Equal Opportunity Act 1984* in the enrolment of any student of either sex, except where a school is solely for students of the same gender.

Enrolment and attendance practices must also comply with: the Commonwealth's *Racial Discrimination Act 1975* and the Western Australian *Equal Opportunity Act 1984* in the enrolment of any student of any race for which enrolment at the school is sought; and with the Western Australian *Equal Opportunity Act 1984* in the enrolment of a student of any religion, except where a school is conducted in accordance with a particular religion. In this circumstance the school can discriminate in favour of persons of the same religion.

The *Disability Standards for Education 2005* made under the Commonwealth's *Disability Discrimination Act 1992* (DDA) are mandatory for all education providers. They specify how education and training are to be made accessible to students with disabilities.

8.2 Attendance policy and procedures

The school's attendance policy and procedures make provision for monitoring the attendance of all enrolled students, identification of students with attendance issues and implementation of appropriate measures to restore regular attendance. The parents of a child who is enrolled in a school are responsible under the *School Education Act 1999* for ensuring their child is attending school on a daily basis. Parents or other responsible persons may be asked to provide an acceptable explanation for any absence to the principal.

Section 23 of the *School Education Act 1999* requires a student to attend the school at which he or she is enrolled or otherwise to participate in an educational program of the school whether at the school or elsewhere. Section 24 of the Act provides for arrangements alternative to attendance. Students who do not attend school regularly must be case-managed, and encouraged to resume regular school attendance.

Managing attendance Issues

Schools are responsible for developing procedures for following up students with unexplained absences and in improving attendance rates where appropriate. This may also include school based policy on maintaining enrolment over a student's extended period of absence.

Non-government schools will find *Improving Attendance: a resource package for schools* a useful guide to assist in developing strategies to improve attendance. This and other useful information can be found on the DoE website at <http://det.wa.edu.au/studentsupport/behaviourandwellbeing/detcms/navigation/student-attendance/?page=4&tab=Main#toc4>.

Additional advice and assistance in the case management of students with attendance issues may be provided by the local Department of Education Regional Office. Attendance Coordinators provide support for students from Kindergarten – Year 10. Participation Coordinators provide support for students 16 years of age and over. Contact details for each regional office can be obtained at <http://www.det.wa.edu.au/education/schoolinfo/docs/Alpha%20Schools%20List%20-%20DO-Resource%20Page.pdf>.

8.3 Attendance records and enrolment register

The *School Education Act 1999* and *School Education Regulations 2000* require a principal to ensure that **attendance records are kept showing for each day ‘whether a student attended, or participated in an educational program; or failed to so attend and participate’**.

Schools develop procedures for managing the daily marking of the attendance rolls. Best practice in recording attendances is for this to be done at least twice per day. Procedures will include instructions to staff regarding standardised recording, the notification of extended absences or regular non-attendance and the monitoring of attendance.

The *School Education Act 1999* and *School Education Regulations 2000* also require a principal to ensure that an **enrolment register is kept showing the name, date of birth and date of enrolment of the enrollee; as well as the date on which enrolment ceases**.

Enrolment registers and attendance records ‘may be kept in electronic form, but must be capable of being reproduced in written form’; furthermore, these records ‘must be retained for seven years from the day in which the enrolment ceases’.

‘Removing’ students from attendance records

Section 21 of the *School Education Act 1999* gives the principal authority to remove a student’s name from the school’s attendance records when there are reasonable grounds to believe that the student is enrolled in another school, enrolled in home schooling, is no longer resident in the state or has been granted an exemption under section 11. When a student leaves a school, a transfer note is not received and their whereabouts are unknown, the student is considered to be ‘missing’.

Under the *Student Tracking System (STS)*, a cross-sectoral initiative involving public and private schools, ‘missing’ students must be reported to the Department of Education (DoE) Attendance Officer in the Regional Office who will advise whether or not the student needs to be referred to the STS Officer in DoE. The STS Officer will authorise the removal of the student’s name from the school’s attendance records and recording on the Enrolment Register that the enrolment has ceased. Further information is available at <http://det.wa.edu.au/studentsupport/behaviourandwellbeing/detcms/navigation/student-attendance/?page=9&#toc9>

Exemption from attending a registered school

All students must participate in full-time education, training or employment, or a combination of these, until the end of year they turn 17. Under section 11 of the *School Education Act 1999*, the Minister for Education may exempt a child of compulsory education age from the requirement to be enrolled at a registered non-government school. Parents of non-government school students seeking exemption before the end of Year 10 (or before the end of the year in which the student reaches 15), usually for the purpose of entering full-time employment, traineeships or apprenticeships, should apply to the DES using the *Application for Exemption from School Enrolment* form available on the DES website. When a student reaches the year in which he/she turns 16 (and ordinarily would enrol in Year 11) and wishes to participate in employment, a traineeship or an apprenticeship, one of three DoE forms must be completed, seeking the Minister’s acknowledgement of the student’s participation in one or more education, training or employment options. Completion of a DoE form satisfies a parent’s legal obligation under the Act.

8.4 Full Fee Paying Overseas Students (international students)

For those schools that hold, or are seeking, registration to deliver courses to international students, the following evidence must also be provided:

- A copy of pre-enrolment information supplied to prospective students and their families, including promotional materials [refer *ESPRA s. 13(1)(d)* & *National Code 2007 Standards 1,2,3,6 & 11*]. Evidence must include a copy of the school's refund policy which meets the requirements of the *ESOS Act* and other requirements of Standards 1, 2, 3, 6 & 11. Please refer to the following website for further information <http://www.aei.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ExplanatoryguideD2.aspx>.
- A copy of the letter of offer and the written agreement entered into between the school and the student/parent/guardian. The written agreement should repeat certain information already contained the pre-enrolment information. The required elements of the agreement are listed at <http://www.aei.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/National-Code/nationalcodepartd/Pages/ExplanatoryguideD3.aspx>.
- The written agreement must define the length of each study period in the course along with the tuition fees for each study period (refer *ESOS Act s. 22(1)(a) & (b)*). A study period cannot be longer than 24 weeks (refer *ESOS Act s. 22(3)*). The study period definition helps ensure fees are paid in compliance with the *ESOS Act*. No more than 50 per cent of a student's total tuition fees can be requested before the student has begun the course. The remaining 50 per cent cannot be required to be paid more than two weeks before the beginning of the students second study period (refer *ESOS Act s.27*) and also assists schools to identify when an intervention strategy should be activated (refer Standard 10 of the *National Code*).
- Provision within the schools attendance monitoring processes should cater for absences of more than two consecutive days. This proactive approach is linked to both the *National Code 2007* responsibilities surrounding attendance and student support.

8.5 Evidence gathered during the school visit

During the school visit Independent School Reviewers will observe the school's enrolment register and attendance records to confirm implementation of policies and procedures meeting all legal requirements.

9. Number of students

Criterion:

The number of students attending a school, in the year levels for which it is seeking registration, will be sufficient to maintain the school's financial and educational viability. Class sizes are appropriate to meet the students' educational and supervision needs.

[Reference: School Education Act 1999, s. 159(1)(c) and (h)]

Intent

To ensure that the school has sufficient students to enable it to maintain financial viability to provide a range of learning programs and experiences that will support their academic and social development.

Written evidence

Schools are requested to submit the following evidence with the application for registration or renewal of registration (refer to explanatory notes).

- 9.1 A list that records the **number of students in each year level**.
- 9.2 A projection of **future enrolments** for a five year period with the reasons explaining any forecast change.
- 9.3 A list of **class sizes** that shows the number of students in each class group (Kindergarten, Pre-Primary and Primary) or form group (Secondary).
- 9.4 Schools providing boarding facilities will be asked to provide the current number of **boarding students**.

Additional evidence (refer to explanatory notes)

- 9.5 Schools providing education to **Full Fee Paying Overseas Students (international students)**

Explanatory notes

9.1 Number of students in each year level

Schools seeking registration for the first time, or seeking to extend their current level of registration, are to demonstrate how they will meet the following student enrolment requirements, **unless otherwise approved by the Minister for Education**. The relevant numbers of children to attend an applicant school is to be reached within **five years** of the year in which the school opens or from the commencement of the proposed extension. The required number of children to attend a school making application for registration is:

Type of education to be offered	Number of students	
	Urban	Rural
Pre-Kindergarten, Kindergarten, Pre-Primary, and Primary education	180	90 (Rural area with population less than 5000)
Secondary education	40 (minimum average <i>per year level</i>)	25 (minimum average <i>per year level</i> - population less than 5000)
Combination of Pre-Kindergarten, Kindergarten and Pre-Primary, Primary, and Secondary	As above	As above

The Minister may exempt an applicant school from this standard if satisfied the school will serve an identifiable group in an area where an appropriate schooling option is not available to the members of that group and the school will be educationally and financially viable and not have a detrimental effect on any existing school. The Minister may exempt an applicant school from the number of children standard if the school intends making application for registration to provide Kindergarten and/or Pre-Primary education only. The target numbers also apply to a registered school making application to significantly change the kind of education program it provides (i.e. to add a Kindergarten and/or Pre-Primary, primary, or secondary education program).

Schools are required to provide statistical information on the number of students enrolled through the February and August Census. This requirement applies to all schools, including those that do not receive per-capita funding.

Schools seeking renewal of registration that do not meet these requirements may be advised of the risk to ongoing viability of maintaining small student enrolment numbers, if applicable.

9.2 Future enrolments

The school's predicted future enrolment by year level provides valuable information for its planning process.

9.3 Class sizes

Class size is another aspect of this criterion and applies to schools seeking renewal of registration. For Kindergarten and Pre-Primary classes, specific requirements are laid down. These are derived from a combination of historical standards for early childhood education and current best practice in government schools. The basis for these standards is preservation of acceptable adult-child ratios according to the educational and supervision needs of young children.

Kindergarten and Pre-primary

Subject to the facilities meeting space requirements and the appropriate staff-student ratios being met:

- the maximum number of children allowed in a Pre-Primary group with a staff of a teacher and an educational assistant is 30;
- the maximum number of children allowed in a Kindergarten or mixed Kindergarten/Pre-Primary group with a staff of one teacher and one educational assistant is normally 20; however, the number may be extended to 25 in certain circumstances. Schools wishing to cater for more than 20 children **must make a specific request to the Director, Catholic Education Office (Catholic schools) or the Chief Executive Officer, Department of Education Services for Independent schools;**
- the maximum number of children allowed in a Kindergarten or mixed Kindergarten/Pre-Primary group with a staff of one teacher and two educational assistants is 30;
- Pre-Primary groups with 15 or more children regularly attending, or Kindergarten or mixed Kindergarten/Pre-Primary groups with 12 or more children regularly attending, must be staffed by one teacher and one educational assistant; and
- Kindergarten groups with 11 or fewer children may be staffed by one teacher.

Pre-Kindergarten

Even though no per-capita funding is available for Pre-Kindergarten (i.e. students who are three and turn four in the second half of the year), schools offering these programs must still comply with all requirements for education provision, levels of care, staff, buildings and facilities as set out in this document. Kindergarten staff: child ratios apply to Pre-Kindergarten.

Guidelines for Years 1 to 12

Non-government schools are to use as a guideline the information for Years 1 to 12 class sizes in primary and secondary government schools as contained in *The School Education Act Employees' (Teachers and Administrators) General Agreement 2011*.

Year	Class Size
1 - 3	24 students
4 - 7	32 students
8 - 10	32 students
11 - 12	25 students

9.5 Full Fee Paying Overseas Students (international students)

Schools must submit its numbers of the *maximum international student capacity* per site and the number of students currently enrolled. The total number of international students a school is allowed will fit in one of the two categories: *9 or less* or *10 or more*. The first registration application made by a school will note which total international student enrolment category the school is requesting. As part of the registration approval process, the DES will decide whether to approve the maximum number of students the school can enrol. In making this decision the DES will consider the capacity of the school in terms of its premises, facilities, resources, equipment, materials and ration of staff to student numbers (refer Part C, 12.1, of the National Code).

A school must ensure its international student enrolments remain within the total registered capacity at all times. A school must apply to the DES if they want to amend their total registered capacity.

10. Time for instruction

Criterion:

The school must allocate time for instruction throughout the year similar in total hours and number of days open to that allocated in government schools.

[Reference: School Education Act 1999, s. 159 (1) (d) & School Education Regulations 2000, r129]

Intent

The time available for instruction must enable students to have access to effective learning experiences to improve their learning and equip them with the knowledge, skills and attitudes needed to become “successful learners, confident and creative individuals, active and informed citizens” (*Melbourne Declaration on Educational Goals for Young Australians, 2008*).

Written evidence

Schools are requested to submit the following evidence with the application for registration or renewal of registration (refer to explanatory notes).

- 10.1** The school’s published term dates and information confirming the number of **days open for instruction** throughout the school year.
- 10.2** The school’s daily timetable showing the **hours allocated for instruction** each day.

Explanatory notes

The requirements for this criterion are based on those for government schools. Non-government schools have the flexibility to determine the number of days open and hours allocated for instruction as long as they meet the annual total number of hours set out for government schools.

10.1 Days open for instruction

In 2014 government schools will be open for 193 days of instruction in the school year.

For further information, refer to the DoE website at <http://www.det.wa.edu.au/education/termdates/>.

This website also provides preliminary information on term dates planned for 2015 to 2018.

The following considerations are applied in calculating the number of days each term that the school is open for instruction:

- Public holidays falling within term time are not counted in the calculation.
- Structured educational programs conducted outside a school's published hours of instruction may be counted only if the programs are a part of the curriculum and compulsory for all students. In such cases communication to parents and students about these programs should clearly identify them as part of the normal hours of instruction.
- Week days lost through school closure for 'boarders weekends' are not counted in the calculation of the total hours of instruction.

10.2 Hours allocated for instruction

The times allocated for instruction at government schools must be in accordance with Regulations 24–27 of the *School Education Regulations 2000*, as follows:

- Kindergarten programs at least 15 hours instruction per week; and
- Pre-Primary, primary and secondary programs at least 25 hours and 50 minutes instruction per week (and a minimum of 4 hours and 10 minutes on any given day).

Unless the school can demonstrate a structured instructional program for all of its students during recess and lunch periods, they should not be included in the calculation of the minimum hours of instruction per week.

11. Complaints management

Criterion:

The school has a complaints management policy and procedures which ensure grievances and concerns are addressed fairly, objectively and in a timely manner.

[Reference: School Education Act 1999, s. 159(1)(j)]

Intent

To ensure that complainants are able to raise concerns and lodge complaints and have them dealt with fairly and efficiently.

Written evidence

Schools are requested to submit the following evidence with the application for registration or renewal of registration (refer to explanatory notes).

11.1 Complaints management policy and procedures.

Additional evidence (refer to explanatory notes)

11.2 Schools providing education to *Full Fee Paying Overseas Students* (international students).

11.3 Evidence gathered during the school visit.

Explanatory notes

11.1 Complaints management

The school's policy and procedures should be clear, open and accessible. They provide a process for receiving and dealing with disputes and complaints and include the following requirements:

- confidentiality;
- prompt written acknowledgment of the complaint;
- action taken within stated timeline;
- procedural fairness for all parties;
- formal examination and investigation of the complaint and/or areas of disputation by an authorised person;
- substance of the complaint provided to the subject of the complaint;
- chairperson of governing body informed, where appropriate;
- action being taken communicated to the complainant;
- clear record kept of the complaint, the action taken and the outcome;
- involvement where necessary of a third party within the school community, or an independent arbiter;
- referral, where required, to an external authority such as the CPFS or the Western Australian Police Service for advice or immediate action;
- written report given to the complainant; and
- action evaluated and procedures reviewed.

Staff should be trained in handling complaints according to the school's documented procedures, especially regarding child protection matters.

Availability

Information about the process for raising concerns and lodging complaints must be made available to parents, students and staff. This can be via a range of media and typically it is included in the Parent Handbook and available on the school website. To increase accessibility a simple flow diagram must be included that improves the understanding of the process for parents and carers.

Complaints to the Minister or Regulatory Authority

Where disputes and complaints have been taken to the Minister for Education or the DES, the complainant may be referred to the school's disputes and complaints policy for resolution through the published procedures, if the process has not been followed.

Procedural fairness

Procedural fairness is concerned with the procedures used by a decision-maker rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision.

The rules of procedural fairness require:

- A hearing appropriate to the circumstances
- Lack of bias
- Evidence to support a decision
- Inquiry into matters of dispute

[Reference: Ombudsman Western Australia – Guidelines on Complaints Handling – Revised November 2010]

What does the duty to act fairly require in the circumstances of a particular case?

- Decision maker must have an open mind (free from bias) when reading/listening to what is said by both parties
- People whose interests will be affected by the decision must have the chance to give response before the decision is made, but after all important information has been gathered.

11.2 Full Fee Paying Overseas Students (international students)

For those schools that hold, or are seeking registration to deliver courses to international students, there must be an independent external person or body to consider whether due process has been followed when the school's internal process has been unable to reach an agreed resolution to an issue raised (refer *ESPRA* - s. 13(1)(g) and the *National Code 2007* Standard 8).

Students must be made aware, during orientation or induction programs and in the institution's complaints and appeals procedure, of the availability and functions of the independent International Student Conciliator located at the DES. The Conciliator cannot be nominated as the external body or person referred to in Standard 8 of the *National Code 2007*. The role of the Conciliator is to assist the parties to resolve the dispute themselves through mediation and conciliation, complementary to a provider's internal complaints and appeals process. For further information, please refer to Appendix B of the DES Policy Guidelines on the DES website.

During 2011 the Commonwealth legislated to create the Overseas Student Ombudsman (OSO) to hear disputes or complaints unable to be satisfactorily resolved through provider's internal processes, however pending further amendments to the *ESOS Act*, use of the OSO has not been mandated. For further information, please refer to the OSO website at <http://www.oso.gov.au/>.

11.3 Evidence gathered during the school visit

Complaints register

During the school visit Independent School Reviewers will make observations about implementation of the school's complaints policy and procedures, the maintenance of an appropriate **complaints register** and the outcomes in each case.

The Independent School Reviewers may also make reference to formal complaints that have been brought to the attention of the DES and/or the Minister for Education and how these have been resolved.

12. Legal compliance

Criterion:

The school complies with any written laws affecting its operation.

[Reference: School Education Act 1999, s. 160(1)(g)]

Intent

To ensure that the school complies with the legal requirements associated with its operation.

Written evidence

All **school policy and procedures documents** submitted to meet other criteria will be considered when determining the school's legal compliance. Additionally, schools will be requested to submit the following evidence with the application for registration or renewal of registration (refer to explanatory notes).

12.1 A **declaration of legal compliance** in the application form, signed by the chair of the governing body and the school principal.

Additional evidence (refer to explanatory notes)

12.2 Evidence gathered during the registration visit.

Explanatory notes

This is an overarching criterion that is reflected in all other registration requirements. Independent School Reviewers will therefore form a summative assessment of the school's compliance with written laws at the end of the desktop audit and school visit process.

For school guidance purposes, relevant legislation includes, but is not limited to:

State Government Acts / Regulations

- *Animal Welfare Act 2002; General Regulations 2003; and Regulations for Scientific Purposes 2003*
- *Associations Incorporation Act 1987*
- *Children and Community Services Act 2004*
- *Contaminated Sites Act 2003*
- *Criminal Code Act Compilation Act 1913*
- *Disability Services Act 1993*
- *Dog Act 1976*
- *Education Service Providers (Full Fee Overseas Students) Registration Act 1991 and Regulations 1992*
- *Environmental Protection Act 1986*
- *Equal Opportunity Act 1984*
- *Evidence Act 1906*
- *Family Court (Orders of Registrars) Act 1997*
- *Family Court Act 1997*
- *Food Act 2008 and Food Regulations 2009*
- *Gas Standards Act 1972*
- *Health Act 1911 and Regulations (various years)*
- *Limitation Act 2005*
- *Liquor Licensing Act 1988*
- *Minimum Conditions of Employment Act 1993*
- *Occupational Safety and Health Act 1984 and Regulations 1996*
- *Parental Support and Responsibility Act 2008*
- *Road Traffic Act 1974*
- *School Curriculum and Standards Authority Act 1997*
- *Teacher Registration Act 2012*
- *School Education Act 1999 and Education Regulations 2000*
- *Vocational Education and Training Act 1996*
- *Volunteers (Protection from Liability) Act 2002*
- *Working with Children (Criminal Record Checking) Act 2004 and Regulations 2005*

Australian Acts / Regulations / Standards

- *Age Discrimination Act 2004*
- *Australian Curriculum, Assessment and Reporting Authority Act 2008*
- *Australian Education Act 2013 and Australian Education Regulations 2013*
- *Australian Human Rights Commission Amendment (National Children's Commissioner) Act 2012*
- *Building Code 2013*
- *Circuits Layouts Act 1989*
- *Copyright Act 1968*
- *Copyright Amendment (Digital Agenda) Act 2000*
- *Designs Act 2003*
- *Disability Discrimination Act 1992*
- *Disability Standards for Education 2005*
- *Education Services for Overseas Students Act 2000 and Regulations 2001*
- *Education Services for Overseas Students (Registration Charges) Act 1997*
- *Education Services for Overseas Students (TPS Levies) Act 2012*
- *Fair Work Act 2009*
- *Family Law Act 1975*
- *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*
- *Patents Act 1990*
- *Plant Breeder's Rights Act 1994*
- *Privacy Act 1988*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Superannuation Guarantee (Administration) Act 1992*
- *Trade Practices Act 1975*

12.2 Evidence gathered during the registration visit

During the registration visit, the Independent School Reviewer will make observations in relation to legal compliance.

Reporting process

The evidence gathered through the registration process is used to prepare recommendations to the Minister for Education regarding the extent to which the school meets registration requirements, level (years of schooling) of registration and period of registration. The Minister approves the registration if satisfied that the school has complied with the requirements, determines the level and period of registration and then issues a Certificate of Registration that is sent to the chair of the school's governing body and/or provided as outlined in the system agreement.

Written report

An analysis and assessment of the evidence available for each criterion describes the extent to which the school has met registration requirements.

Each criterion is assessed as meets or does not meet the registration requirements.

MEETS

The school meets the registration requirement or meets the registration requirement for the most part. Completion of Quality Improvements Required will ensure that satisfactory requirements are maintained.

DOES NOT MEET

The school does not meet the registration requirement or does not meet the registration requirement for the most part. Completion of Directions and/or Conditions and/or Quality Improvements Required (QIR) with evidence of completion provided to the DES by the date specified will enable the school to meet the registration requirement.

Risk rating

When recommending a period of registration for a school to the Minister for Education, the overall level of risk is a key deciding factor. Schools are typically rated as having a low, medium or high risk rating. Schools considered to be a low risk are awarded a longer period of registration.

In order to be deemed a low risk, schools must meet all registration requirements and address any Quality Improvements Required (QIR) on or before the dates given. However, a school may be delivering a high standard of education for students but due to matters beyond the control of the governing body, the school might still be vulnerable or at a high risk of not being viable.

Period of registration

Under the *School Education Act 1999* schools may be registered for a period between one and seven years. However, in order to maintain sound risk management practices, the maximum period of registration is five years.

Recommendations to the Minister for Education

Section 160(1) of the *School Education Act (1999)* requires the Minister for Education to grant registration, or renewal of registration, of non-government schools if the legislated registration requirements are satisfied.

Based on evidence gathered throughout the registration process the following assessment by the registration panel of the school's compliance with the legislative requirements for registration is forwarded to the Minister for consideration.

Registration requirements	Criterion	Assessment
Constitution of governing body is satisfactory for purposes of the Act.	1	MEETS / DOES NOT MEET
Members of governing body are fit and proper to operate a school.	1	MEETS / DOES NOT MEET
School meets standards determined by the Minister under section 159(2) (of the Act):		
Location of the school	7	MEETS / DOES NOT MEET
School curriculum	3	MEETS / DOES NOT MEET
Year levels to be provided	9	MEETS / DOES NOT MEET
Number of days open for instruction	10	MEETS / DOES NOT MEET
Teacher qualifications	6	MEETS / DOES NOT MEET
School buildings and facilities	7	MEETS / DOES NOT MEET
Number of children	9	MEETS / DOES NOT MEET
Enrolment and attendance	8	MEETS / DOES NOT MEET
Disputes and complaints	11	MEETS / DOES NOT MEET
Board and lodging arrangements	4, 6, 7	MEETS / DOES NOT MEET
Financial resources sufficiency	5	MEETS / DOES NOT MEET
Other matters in regulations (Hours per day for instruction)	10	MEETS / DOES NOT MEET
Other matters in regulations (Separation of the day-to-day)	1	MEETS / DOES NOT MEET
Other matters in regulations (Reporting of Critical Incidents)	4	MEETS / DOES NOT MEET
Standard of education.	2	MEETS / DOES NOT MEET
Levels of care for the students concerned.	4	MEETS / DOES NOT MEET
Level of compliance with any written laws affecting operation of the school.	12	MEETS / DOES NOT MEET

Where a school is not meeting a registration requirement one or more Conditions, as provided for in section 160(2) of the *School Education Act 1999*, or one or more Directions, as provided for in section 166(1) of the *School Education Act 1999* may be recommended to the Minister. A Direction or a Condition will include a date by which evidence of compliance must be provided to the DES.

Where a school is meeting a registration requirement for the most part, one or more Quality Improvements Required (QIR) may be assigned to particular criteria. Quality Improvements Required will include a date by which evidence of compliance must be provided to the DES.

Advice is also provided to the Minister on the following:

The recommended years of schooling for registration.

Period of registration

The key reasons for the recommended time period of registration.

(Document end)