

Memorandum of Understanding

between

Victorian Registration and Qualifications Authority

(VRQA)

and

**State of Victoria, as represented by the Department of
Education and Training**

(Department)

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Memorandum of Understanding

Between

Victorian Registration and Qualifications Authority (a body corporate established under Chapter 4 of the *Education and Training Reform Act 2006*).

of Level 4, 2 Lonsdale Street, Melbourne VIC 3000

(VRQA)

and

State of Victoria, as represented by the Department of Education and Training

of Level 2, Treasury Place, East Melbourne VIC 3002

(Department)

Background

- A. The purpose of this MoU is to record the shared and separate responsibilities of the Department and the VRQA to ensure Government Schools and Government School Boarding Premises comply with the Minimum Standards, and Government Schools provide high-quality learning opportunities for children and young people.
- B. This MoU reflects the mature and continuing partnership and shared commitment of the Department and the VRQA to ensure Victorian Government Schools and Government School Boarding Premises are child safe environments.
- C. The Schedules are intended to strike an appropriate balance between regulatory oversight that is sufficiently robust to give confidence to the Department, the VRQA, the Victorian Government and the people of Victoria, that Government Schools and Government School Boarding Premises meet Minimum Standards, and the expectation that the VRQA will continue to work with the Department to facilitate the Government's commitment to building new schools and reduce regulatory burden for Government Schools by identifying the departmental policies and processes that can be universally applied for new and ongoing school registration, where it is appropriate to do so (Statement of Expectations).
- D. This MoU is also intended to support a strengthened working relationship between the Department and the VRQA so that information is exchanged in a timely manner that enables swift, supportive action by the Department to assure the compliance of Government Schools and Government School Boarding Premises with the Minimum Standards.
- E. This MoU gives effect to:
 - a. the VRQA's approval of the Department as a Review Body under sections 4.3.2(c) and 4.3.8F(c) of the ETR Act to review and report on the compliance of Government Schools and Government School Boarding Premises with the Minimum Standards; and
 - b. the Statement of Expectations and the Guide for School Review Bodies.
- F. The MoU establishes procedures for dealing with:

- a. applications for registration of Government Schools and Government School Boarding Premises and the amendment of registration;
 - b. applications for exemptions from the curriculum and enrolment Minimum Standards;
 - c. reporting on the compliance of Government Schools and Government School Boarding Premises against the Minimum Standards;
 - d. provision to the VRQA, for inclusion on the State Register, each Government School's Annual Report and each Government School's Boarding Annual Report to the respective school community;
 - e. reporting on complaints received by the VRQA or the Department relating to compliance of Government Schools and Government School Boarding Premises with the Minimum Standards;
 - f. referral to the Department of complaints received by the VRQA about Government Schools and Government School Boarding Premises compliance with the Minimum Standards;
 - g. referral of child safety concerns received from the CCYP and other regulators, or identified by the VRQA via complaints, media and the like, to the Department for action;
 - h. requests by the VRQA for the Department to undertake a review or assessment of a Government School or Government School Boarding Premises.
- G. This MoU outlines the Department's responsibilities and obligations as the approved Review Body for Government Schools and Government School Boarding Premises and the KPIs that will inform the annual Review Body Assurance Program.

Agreed terms

1. Definitions and Interpretation

Definitions

In this MoU, unless the contrary intention appears, the following definitions will apply:

Annual Compliance Report means the report provided by the Department to the VRQA on the compliance with the Minimum Standards of all Government Schools and Government School Boarding Premises in Victoria under sections 4.3.5(2) and 4.3.8V(2) of the ETR Act, and regulations 71(1) and 71J of the ETR Regulations, as referenced in the Schedules to this MoU.

Annual Report to the School Community (Annual Report) means the report a school must make available to the school community concerning the school's performance under clause 18, schedule 4 of the ETR Regulations and provided to the Secretary by Government school councils under section 2.3.27(1) of the ETR Act and Ministerial Order 1280, which are then provided to the VRQA for inclusion on the State Register in accordance with this MoU.

Annual report to the School Boarding Premises Community (Boarding Annual Report) means the means the report a school boarding premises must make available to the community concerning the school boarding premises' performance under clause 9, schedule 4A of the ETR Regulations.

CCYP means the Commission for Children and Young People.

Chief Executive Officer (Director) VRQA means the person appointed to, holding or acting for the time being in the position of CEO (Director) of the VRQA.

Child Information Sharing Scheme means the sharing of information in accordance with Part 6A of the *Child Wellbeing and Safety Act 2005* (Vic).

Commencement Date means the date of execution of this MoU by the last of the Parties.

Complaint means a complaint received by the Department or the VRQA that relates to compliance of a Government School or Government School Boarding Premises with the Minimum Standards.

Confidential Information means information (in whatever form) of a Party including but not limited to technical, scientific and financial information which comes into the possession of the other Party through intentional or unintentional disclosure, excluding information which:

- (a) is or comes into the public domain other than by disclosure in breach of the terms of this MoU;
- (b) is or becomes available to the recipient Party from a third party lawfully in possession of it and with the lawful power to disclose it to the recipient Party;
- (c) is rightfully known by the recipient Party (as shown by its written record) prior to the date of disclosure to it under this MoU; or
- (d) is independently developed by an employee of the recipient Party who has no knowledge of the disclosure made under this MoU.

CRICOS means the Commonwealth Register of Institutions and Courses for Overseas Students.

Department means the Department of Education and Training.

Deputy Secretary means the person appointed to, holding or acting for the time being in the position of Deputy Secretary of the Department.

ETR Act means the *Education and Training Reform Act 2006* (Vic) as in force from time to time.

ETR Regulations means the Education and Training Reform Regulations 2017 (Vic) as in force from time to time.

Family Violence Information Sharing Scheme means the sharing of information in accordance with Part 5A of the *Family Violence Protection Act 2008* (Vic).

Government Agency means any government or any public, statutory, governmental, semi-governmental, local governmental or judicial body, entity or authority and includes a Minister of the Crown or the Commonwealth of Australia and any person, body, entity or authority exercising a power pursuant to an Act of Parliament.

Government School means a school established by the Minister under section 2.2.1 of the ETR Act, or deemed to be a Government School under clause 1.5.1 of Schedule 8 of the ETR Act.

Government School Boarding Premises means a school boarding premises at which school boarding services are provided by or on behalf of a Government School, as defined in section 1.1.3(1) of the ETR Act.

Guide for School Review Bodies means the VRQA publication entitled “School Review Bodies Guide” last endorsed by the VRQA Board on 7 December 2017 and any successor School Review Bodies Guides, as endorsed by the VRQA Board from time to time.

Guidelines means the VRQA Guidelines to the Minimum Standards and Requirements for School Registration and the VRQA Guidelines to the Minimum Standards and Requirements for School Boarding Premises as gazetted from time to time.

Investigation means the processes undertaken by the relevant area of the Department to determine whether a complaint received indicates a breach of the Minimum Standards.

KPIs means the key performance indicators which the Department must endeavour to meet and which will also inform the annual Review Body Assurance Program. The KPIs are contained in the Schedules of this MoU.

Law means:

- (a) principles of law or equity established by decisions of courts within the Commonwealth of Australia;
- (e) statutes, regulations, by-laws, ordinances, orders, awards, proclamations and local laws of the Commonwealth, State of Victoria, any local government or a Government Agency;
- (f) the Constitution of the Commonwealth;
- (g) binding requirements and mandatory approvals (including conditions) of the Commonwealth, the State of Victoria or a Government Agency which have the force of law; and
- (h) guidelines of the Commonwealth, the State of Victoria or a Government Agency which have the force of law.

Minister means the Minister for Education of the State of Victoria.

Minimum Standards means the prescribed minimum standards that schools and school boarding premises (and other education providers) must satisfy in order to be registered and remain registered as listed in the ETR Act and Schedules 4, 4A and 8 of the ETR Regulations and includes the requirements under the ETR Act to comply with Ministerial Order 870 and Ministerial Order 706.

Ministerial Order 706 means Ministerial Order 706: Anaphylaxis Management in Victorian schools and school boarding premises and its successors.

Ministerial Order 870 means Ministerial Order 870 – Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises and its successors.

MoU means this Memorandum of Understanding as amended from time to time and includes the Schedules and Annexures.

PA Act means the *Public Administration Act 2004 (Vic)*.

PAL means the Department’s online Policy and Advisory Library as administered and updated by the Department from time to time.

Party means either the Department or the VRQA as the context requires and **Parties** means both of them.

PES means the Department's People and Executive Services group, and includes any Victorian Government Office, Branch or Division which (as a successor or otherwise of the PES) is delegated responsibility by the Secretary for any matters relating to the Department in this MoU.

Primary Representatives means:

- (b) Department: Secretary or delegate holding the appropriate delegation from the Secretary relating to the Department's role as a Review Body
- (i) VRQA: Chief Executive Officer (Director).

Responsible Officer means the person appointed by the Department to coordinate registration applications and compliance reporting to the VRQA.

Review Body means a person or body approved by the VRQA under section 4.3.2(c) and 4.3.8F(c) of the ETR Act to review a school or group of schools, or school boarding premises.

Review Body Assurance Program means the VRQA annual risk-based assurance program of the activities undertaken by the review bodies under their respective MoU.

SRS means the Department's Schools and Regional Services group, and includes any Victorian Government Office, Branch or Division which (as a successor or otherwise of the SRS) is given responsibility by the Secretary for the matters relating to the Department in this MoU.

Secondary Representatives means:

- a) Department:
 - i. Deputy Secretary, Schools and Regional Services (Schedules 1 and 1A)
 - ii. Deputy Secretary, People and Executive Services (Schedules 2 and 3)
- b) VRQA: Chief Executive Officer (Director).

Secretary means the person appointed to, holding or acting for the time being in the position of Secretary of the Department.

Senior secondary registration means a school registered by the VRQA to deliver a senior secondary qualification under section 4.3.10 of the ETR Act.

Specialist school means a school that is registered pursuant to the ETR Act and defined in regulation 5 of the ETR Regulations and which caters mainly for students with disabilities or with social, emotional or behavioural difficulties. Examples include special and special developmental schools.

Specific purpose school means a school that is registered pursuant to the ETR Act and is a school registered for a specific purpose which may include a school that provides an alternative educational program. Examples include English Language Schools, Victorian School of Languages and Virtual Schools Victoria.

SPOT means the Strategic Planning Online Tool as administered and updated by the Department from time to time.

Statement of Expectations refers to the Statement of Expectations provided to the Chair of the VRQA by the Hon James Merlino MP, Minister for Education and the Hon Gayle Tierney MP, Minister for Training and Skills and Minister for Higher Education, applying from 1 July 2019 to 30 June 2021 and any successor Statements of Expectations.

Term means the term of this MoU set out in clause 5 and includes any extension.

VCAA means the Victorian Curriculum and Assessment Authority and includes its Board, employees, contractors, consultants and agents.

VET means Vocational Education and Training.

VRQA means the Victorian Registration and Qualifications Authority and includes its Board, employees, contractors, consultants and agents.

2. Memorandum of Understanding not legally binding

This document is not intended to create legal relations or constitute a legally binding contractual agreement between the Parties, but is a significant document that sets out the commitment of the Parties. Notwithstanding this clause, the Parties will seek to comply with all of the terms of this MoU.

3. Memorandum subject to other provisions

This MoU is to be read subject to:

- (a) any policy, guideline or direction issued to the VRQA or Government School councils by the Minister pursuant to the ETR Act, whether such policy, guideline or direction is consistent with this MoU or not; and
- (b) any whole of Government policy issued under Section 92 of the PA Act that applies to the VRQA, Government Schools their councils or staff.

4. Termination of Previous MoUs

The Parties acknowledge and agree that from the Commencement Date the existing MoU between the Parties dated 23 August 2016 will be terminated and replaced with this MoU.

5. Term

- (a) Subject to clause 5(b), this MoU will commence on the Commencement Date and will end on the third anniversary of the Commencement Date, unless terminated earlier by the Parties in accordance with clause 16.
- (b) Six (6) months prior to the expiry of the Term the Primary Representatives may agree in writing to extend the Term.
- (c) At the expiry of the Term the Parties agree that this MoU has no further force or effect unless extended in accordance with clause 5(b).

6. Delegation and Approvals

- (a) Nothing in this MoU constitutes a delegation of any powers of the VRQA, under the ETR Act, the ETR Regulations or any other instrument, to the Department, the Secretary or a Deputy Secretary of the Department.
- (b) The Secretary may delegate to a Deputy Secretary the exercise of the functions and powers of the Secretary under the ETR Act and the ETR Regulations and this MoU.

7. Co-operation and Consultation

The Parties will exercise their rights and perform their obligations under this MoU in a co-operative, consultative and transparent manner.

8. Roles and Responsibilities

8.1 The Department

- (a) The Department has a key role in shaping the lives of Victorians and the future of the state through the provision of education and training.
- (b) The Department's vision is to give every Victorian the best learning and development experience, making Victoria a smarter, fairer and more prosperous place.
- (c) The Department supports Victorians to reach their potential, regardless of their background, postcode or circumstance, and to develop the knowledge, skills and attributes they need to participate and thrive in a complex economy and society by:
 - (i) ensuring Victorians have equitable access to quality education and training
 - (ii) working with providers and partners to build an integrated birth to adulthood education and development system
 - (iii) supporting children, young people and adults with well coordinated universal and targeted services close to where they live
 - (iv) promoting excellence, innovation and economic growth.
- (d) The Department is responsible for the administration of education and training in Victoria with the principal function of assisting the Minister with the administration of the ETR Act. This includes:
 - (i) establishing and operating all Victorian Government Schools
 - (ii) delivering and regulating state-wide learning and development services
 - (iii) delivering a range of programs that support the priorities outlined in its strategic plan.
- (e) In fulfilling its responsibilities as a Review Body, the Department will:
 - (i) ensure processes are established and implemented to enable ongoing compliance with the Minimum Standards by all Government Schools and Government School Boarding Premises;
 - (ii) by 1 November each year submit to the VRQA for endorsement a proposed review schedule for the next year;
 - (iii) ensure that a regular review of all Government Schools and Government School Boarding Premises is conducted, operating on a cycle of at least one review within a five-year period;

- (iv) have processes in place to quality assure the review program and periodically review these processes to ensure the effectiveness of the review program;
- (v) ensure that any referrals from the VRQA of complaints or concerns regarding compliance with the Minimum Standards by a Government School or Government School Boarding Premises are investigated or assessed in a timely manner and otherwise within any timelines specified in this MoU;
- (vi) ensure that guidance and support is provided to Government Schools and Government School Boarding Premises that have been identified as non-compliant with the Minimum Standards, including assistance with achieving compliance within the timelines specified in this MoU which must include the preparation and monitoring of an action plan with timelines for the school or school boarding premises to achieve compliance;
- (vii) ensure that the VRQA is notified within 7 days of any actual or potential significant breaches of the Minimum Standards, in particular breaches of Ministerial Order 870, that may move into the public domain or attract media or parliamentary attention and for which the VRQA might be requested to comment;
- (viii) promote the importance of the Minimum Standards and compliance by Government Schools and Government School Boarding Premises;
- (ix) provide the Annual Compliance Report to the VRQA detailing the compliance of Government Schools and Government School Boarding Premises reviewed during that cycle in respect of each of the Minimum Standards;
- (x) ensure that registration applications and amendments to registration are quality-assured by the Department, complete and recommended by a Deputy Secretary on the basis they comply with the Minimum Standards and submitted by 31 August in the year preceding the proposed commencement of the Government School or Government School Board Premises;
- (xi) ensure that registration applications for a Government School to provide a senior secondary course are submitted in coordination with the awarding bodies' authorisation to deliver the course and by 30 June in the year preceding the proposed delivery of that course by the Government School;
- (xii) ensure that the VRQA is provided with quarterly reports on:
 - (A) the number of cyclical reviews completed
 - (B) of those completed reviews, the number of schools or school boarding premises found to be non-compliant with one or more of the minimum standards
- (xiii) inform the VRQA of emergencies that may require a temporary relocation of students within 7 days of becoming aware of a need for a temporary relocation;
- (xiv) use its best endeavours to meet the KPIs under this MoU.

8.2 VRQA

- (a) The VRQA is an independent statutory body with responsibility for:
- (i) registration of Government and non-government Schools, and school boarding premises;
 - (ii) registration of providers to deliver courses to overseas students;
 - (iii) home schooling registration in Victoria;
 - (iv) course accreditation and registration of qualifications in Victoria;
 - (v) maintenance of the State Register as per section 4.2.2(i) of the ETR Act;
 - (vi) investigation of complaints relating to the Minimum Standards against providers registered in Victoria;
 - (vii) regulating apprenticeships and traineeships; and
 - (viii) registering education and training providers (vocational education and training, school education, senior secondary education and overseas secondary student exchange organisations).
- (b) Additionally, the VRQA recognises its responsibility to drive consistency in compliance assessment approaches by Review Bodies and the VRQA, particularly regarding child safety, promote child safety, and improve schools' compliance with the Minimum Standards, including by:
- (i) documenting and publishing its compliance framework;
 - (ii) documenting and publishing guidance on the evidence required to demonstrate compliance with the Minimum Standards, including through the Guidelines;
 - (iii) implementing the Review Body Assurance Program to ensure the consistency of assessment approaches and outcomes by Review Bodies and the VRQA, and that Review Bodies are continuing to assure the compliance of their schools and school boarding premises with the Minimum Standards; and
 - (iv) ensuring its regulatory approach, including assurance of Review Body arrangements, is risk based and sector neutral.
- (c) The VRQA regulates for quality outcomes in safe and well governed environments. It does this by ensuring that schools in the independent, government and Catholic sectors meet the Minimum Standards.
- (c) The VRQA's regulatory processes are based on:
- (i) transparency – relevant information is available to providers
 - (ii) proportionality – processes, incentives and penalties are proportional to the consequences of a risk
 - (iii) consistency and predictability – processes and decisions are sufficiently consistent

- (iv) sector neutrality – all providers are held to the same standards while provider diversity is respected
 - (v) efficiency and agility – processes deliver public benefit for minimum resources; responses are flexible and decisions prompt.
- (d) Review Bodies must meet the selection criteria, principles and obligations contained in the Guide for School Review Bodies, including ensuring their schools and school boarding premises meet Minimum Standards and providing guidance and support to their schools and school boarding premises to do so.
- (e) For its continuing approval as a Review Body and to demonstrate its continued ability to assure the compliance of Government Schools and Government School Boarding Premises with the Minimum Standards, the Department is required to participate annually in the Review Body Assurance Program which will include assessment of performance against the KPIs in Schedule 2 of this MoU and to meet all other obligations under this MoU.
- (f) The VRQA retains the authority to conduct a review of a Government School and Government School Boarding Premises at any time and at its absolute discretion.
- (g) To assist the Department to fulfil its obligations as a Review Body the VRQA will:
- (i) provide clear, accurate and timely information to the Department on all registration requirements to enable the Department to develop appropriate resources to support compliance and registration for Government School and Government School Boarding Premises;
 - (ii) as part of the Review Body Assurance Program, the VRQA will provide annual information sessions for relevant Department staff and reviewers to support consistency of understanding of how to assess compliance and to strengthen the quality of practice across the Government School system;
 - (iii) provide feedback on the Minimum Standards-related guidance and resources for Government Schools and Government School Boarding Premises developed by the Department to support consistency of understanding and to strengthen quality of practice across the Government School and Government School Boarding Premise systems;
 - (iv) provide feedback to the Department on common non-compliances identified during assessment of the proceeding year's applications for school registration and amendment of registration;
 - (v) notify the Department of any referrals from the CCYP about child safety in a Government School and Government School Boarding Premises;
 - (vi) intervene at the request of the Department to directly review a Government School and/or Government School Boarding Premises;
 - (vii) ensure the Department is performing its obligations as a Review Body by meeting its obligations under this MoU, monitoring of the Department's performance against the KPIs in Schedule 2 of this MoU, and through the Review Body Assurance Program;
 - (viii) meet regularly with relevant Department representatives to discuss Government School and Government School Boarding Premises registration and compliance related matters.

9. Schedules

- (a) The Parties agree to comply with the Schedules.
- (b) The Schedules may only be amended varied or substituted in accordance with clause 14.
- (c) Key dates in relation to the operation of this MoU are listed in Annexure B.

10. Representatives

- (a) Except where otherwise provided, the Primary Representatives will be responsible for the performance of any obligations under this MoU on behalf of the Parties.
- (b) The Secondary Representatives will be responsible for the performance of any obligations under the relevant Schedule on behalf of the Parties.
- (c) A Party may replace a Primary Representative or a Secondary Representative by giving written notice to the other Party.

11. Confidentiality and Information exchange

11.1 Confidentiality

- (a) Subject to the ETR Act and any other applicable legislation, each Party may use the Confidential Information of the other Party only for the purposes of this MoU.
- (b) Each Party must keep Confidential Information of the other Party confidential except:
 - (i) for disclosures permitted under clause (a);
 - (ii) to the extent that Party is required or authorised by or under Law to disclose any Confidential Information; and
 - (iii) to the extent that Party is exercising a right under the ETR Act.
- (c) A Party may disclose Confidential Information of the other Party to its officers or employees who have a need to know for the purposes of this MoU (and only to the extent that each has a need to know).
- (d) Each Party's obligations under this clause will survive termination of this MoU and will continue in relation to Confidential Information until the Confidential Information disclosed to it lawfully becomes part of the public domain.

11.2 Information exchange

- (a) The VRQA acknowledges and agrees that the provision of any information or data by the Department to the VRQA that is additional to any requirement or obligation under the ETR Act and the ETR Regulations, is at the discretion of the Department and subject always to the privacy requirements and obligations of the Department either at Law or in any policies and procedures of the State of Victoria.
- (b) The Department acknowledges and agrees that, with the exception of information the VRQA is required to provide pursuant to section 13A(3) of the PA Act or under the Child Information Sharing Scheme or the Family Violence Information Sharing Scheme, the provision of any other information or data by the VRQA is at the

discretion of the VRQA and is subject to the privacy requirements and obligations of the VRQA at Law, including under the ETR Act.

12. Data and Communication of Information

- (a) Subject to clause 11.2(a), the Department will:
 - (i) keep the VRQA informed of all matters of which it ought reasonably to be made aware in order for the VRQA to perform its functions;
 - (ii) provide relevant information to the VRQA in a timely manner about issues that may move into the public domain or attract media or parliamentary attention and for which the VRQA might be requested to comment; and
 - (iii) report as required under the ETR Act and this MoU.
- (b) Subject to clause 11.2(b), the VRQA will:
 - (i) keep the Department informed of matters of which it ought reasonably be made aware, and provide relevant information in relation to the performance of statutory functions for which it is responsible, or other matters as determined and agreed between the Chief Executive Officer (Director) VRQA and/or the VRQA Board Chair and the Secretary; and
 - (ii) provide information to the Department as reasonably requested by the Department from time to time.

13. Meetings, Records and Reporting

13.1 Meetings

- (a) The Primary Representatives agree to meet quarterly, or as otherwise agreed by them, to discuss the MoU.
- (b) In relation to each Schedule, the Secondary Representatives agree to meet monthly, or as otherwise agreed by them, to discuss the relevant Schedule.

13.2 Records

- (a) The Parties will keep records necessary to comply with their obligations under this MoU.

13.3 Reporting

Consistent with Schedule 2, the Department will provide the following reports to the VRQA:

- (a) Annual Reports to the school and school boarding premises community on or by **30 June** of each year for the preceding school year during the Term; and
- (b) Annual Compliance Report on or by **31 July** of each year for the preceding school year during the Term. The Annual Compliance Report will include:
 - (i) an assessment of Government School and Government School Boarding Premises compliance with the Minimum Standards in accordance with Schedule 2 reviewed in the school year preceding the preparation of the Annual Compliance Report

- (ii) an assessment of Government School and Government School Boarding Premises compliance with the Child Safe Standards under Ministerial Order 870 reviewed in the school year preceding the preparation of the Annual Compliance Report
 - (iii) data on complaints received by the relevant areas of the Department's central office that relate to the Minimum Standards in relation to categories/topics to be agreed between the VRQA and the Department
 - (iv) analysis of non-compliance and complaints data, including identifying any Minimum Standards, Government Schools and Government School Boarding Premises that require further guidance and support from the Department to ensure ongoing compliance
 - (v) reporting against the KPIs in Schedule 2 of this MoU and if any KPIs are not met, identifying any relevant issues that hampered the Department's ability to meet those KPIs.
- (c) The Department will provide those reports specified in the relevant schedules in accordance with the timeframes specified.
 - (d) The Department will notify the VRQA of any actual or potential significant breaches of the Child Safe Standards (Ministerial Order 870), that may move into the public domain or attract media or parliamentary attention and for which the VRQA might be requested to comment, within 7 days.

14. Review and Variation

- (a) The Secondary Representatives will undertake a review of the relevant Schedules annually or as otherwise agreed by them.
- (b) At the end of the Term, the Secondary Representatives will undertake a review of the relevant Schedules.
- (c) Any amendment, variation or substitution of the terms and conditions of this MoU must be mutually agreed in writing and signed by the Parties.
- (d) If the Schedules only are proposed to be amended, varied or substituted, the Deputy Secretary may sign on behalf of the Department.
- (e) The Parties agree that additional Schedules may be added to this MoU from time to time and any additional Schedules must be agreed in writing and signed by the Parties. The Deputy Secretary holding the relevant delegation from the Secretary may sign on behalf of the Department.

15. Disputes

- (a) For any disputes arising from this MoU, the Secretary and the Chief Executive Officer (Director) VRQA agree to act in a timely manner and in good faith to negotiate a resolution for the dispute, nominating a nominee of the Secretary and the VRQA to make determinations in relation to any matters arising that are in dispute.
- (b) Notwithstanding the existence of a dispute, the Parties to the dispute will continue to perform any other obligations under this MoU.

16. Termination

This MoU may be terminated by either Party giving four weeks' notice in writing to the other Party.

Date: 20 August 2021

Signing page

Signed as a deed.

Signed for and on behalf of
**Victorian Registration and
Qualifications Authority by Pam
White PSM**



Signature

Chair

Name

Pam White PSM

Signed for and on behalf of the
**Department of Education and
Training by Jenny Atta**



Signature

Secretary

Name

Jenny Atta PSM

Schedule 1: The Registration of Government Schools and Government School Boarding Premises

1. Purpose

The purpose of this Schedule is to:

- a) give effect to the obligations of the Parties under the ETR Act to allow them to determine whether Government Schools and Government School Boarding Premises comply with the Minimum Standards; and
- b) establish procedures for dealing with applications for registration of Government Schools and Government School Boarding Premises and the amendment of any registration details.

2. Procedures for dealing with applications for registration of Government Schools and Government School Boarding Premises and amending registration details

- (a) Applications to the VRQA regarding registration of Government Schools and Government School Boarding Premises, and the amendment of any registration details of registered Government Schools and registered Government School Boarding Premises, will be managed through the Department via the relevant Responsible Officer.
- (b) Consistent with s 4.3.1(3)(a) and section 4.3.8B(2)(a) of the ETR Act, neither Government School principals nor school councils of Government Schools have the authority to apply directly to the VRQA for initial registration or amendment to registration of Government Schools or Government School Boarding Premises.
- (c) Applications to the VRQA regarding registration of Government Schools and Government School Boarding Premises, and the amendment of any registration details of registered Government Schools or Government School Boarding Premises, will be made on the approved forms. The VRQA will provide current application forms to the Department by 31 March each year.
- (d) The Department will pay the application fee approved or fixed by any Minister relating to school registration and boarding school registration applications as published in the Government Gazette and in the VRQA's published list of fees on the VRQA website.
- (e) Applications concerning the registration or amendment to registration of Government Schools and Government School Boarding Premises will be accompanied by relevant evidence required under Regulations 65, 69, 71D and 71H of the ETR Regulations.
- (f) The relevant area of the Department will quality assure all applications for school and school boarding premises registration and when submitting applications, the relevant Deputy Secretary will write to the VRQA to recommend the registration of a school or school boarding premises on the basis that the application demonstrates compliance with all of the Minimum Standards and requirements for registration.
- (g) The relevant area of the Department will ensure the evidence required to be submitted with an application is complete at the time of making the application (with

the exception of those matters referred to in the notes to Schedule 5 of the ETR Regulations).

- (h) To implement clauses 2(b) and 2(e), the Department will make applications and submissions in writing to the VRQA in the following circumstances:
- (i) a new Government School is proposed to be registered, including without limitation a new school which will result from an amalgamation of existing registered schools;
 - (ii) the registration of a Government School is proposed to be amended, including without limitation inclusion of an additional campus or year level at the school or a relocation;
 - (iii) the registration of a Government School that is proposed to deliver a senior secondary course/s;
 - (iv) a new Government Boarding School Premises is proposed to be registered;
 - (v) the registration of a Government School Boarding Premises is proposed to be amended.
- (i) The Department will advise the VRQA, in writing, of the closure of a Government School or campus, or Government School Boarding Premises or location. Such advice will be considered to be a request for the cancellation of the registration of the relevant school, school boarding premises, campus or location.
- (j) The VRQA and the Department acknowledge that:
- (i) with regard to applications for the registration of new Government Schools and Government School Boarding Premises, the Department will submit applications for registration by no later than **31 August** of the year prior to commencement;
 - (ii) with regard to applications for a Government School to provide an accredited senior secondary course, the Department will submit the application by no later than **30 June** of the year prior to commencement unless an alternative date has been agreed between the VRQA and the VCAA (where relevant) and the Department.
 - (iii) with regard to amendments of registration, including adding a year level, establishing an additional campus, changing a school or campus' location, and changing the registration type for a school, campus or school boarding premises, the Department will submit the application by no later than **31 August** of the year prior to commencement.
 - (iv) in exceptional circumstances the Department may progress an out-of-cycle amendment to registration and in such instances, the Department will submit the application no later than **8 weeks** prior to the proposed commencement date.
 - (v) with regard to emergency relocations (e.g. due to fire or flood), the Department will notify the VRQA within 7 days.
- (k) the VRQA may consider varying the dates in 2(j)(i) and 2(j)(iii) at the request of the Department, for example, to implement Ministerial decisions.

- (l) The VRQA and the Department acknowledge that applications for Government Schools will generally reflect the following approach:
 - (i) Primary: Register for Years P - 6 in one process
 - (ii) Secondary: Register for Years 7 - 10 in one process
 - (iii) Senior secondary: Register for Years 11 - 12 in one process and senior secondary qualifications
- (m) The VRQA and the Department acknowledge that an application for senior secondary registration can be submitted concurrent with an application for additional year levels (11-12) or a new school being either one of the following:
 - (i) P-12
 - (ii) 7-12
 - (iii) 10-12
- (n) The VRQA will provide the Department with:
 - (i) approved application forms for the registration of schools and boarding schools, as well as amendments to registration details, by 31 March each year;
 - (ii) access to an electronic copy of the Guidelines against which applications will be assessed in that year
 - (iii) briefings by the VRQA for Department officers or contracted services, school principals and school governing bodies as agreed by the Parties;
 - (iv) written advice of change of fees.
- (o) If the VRQA wishes to undertake a school or school boarding premises visit to inform its assessment of an application, the VRQA will agree upon protocols and procedures on school visits with the Department.

3. Agreed Timelines

- (a) The VRQA and the Department agree on the following timelines to ensure timely registration:
 - (i) Email acknowledgement of application within 7 calendar days
 - (ii) Invoice to the Department within 14 calendar days
 - (iii) Payment of the invoice within 30 calendar days
 - (iv) A written rectification report (for new schools) within 40 business days (8 weeks)
 - (v) A written rectification report (for amendments to registration) within 40 business days (8 weeks)
 - (vi) DET rectifications timeframe for new schools (28 calendar days) (4 weeks)
 - (vii) DET rectifications timeframe for amendments to registration (28 calendar days) (4 weeks)

(viii) Finalisation of Registration following provision of rectifications (28 calendar days)
(4 weeks)

(ix) Where required, the Department and VRQA will agree on alternative timelines for the finalisation of registration applications,

[note: VRQA finalisation of registration will be dependent on VCAA authorisation of some senior secondary applications and may be delayed awaiting VCAA confirmation]

4. Key Performance indicators - Registrations

The Department's performance as a review body under this schedule will be measured against the Key Performance Indicators in the table below.

KPI	Measure
1. The percentage of initial applications moderated and submitted by the Department that do not require further evidence or rectification, not including clauses 6, 7, 14, 15, 16 and 17 in Schedule 4 of the ETR Regulations	75%
2. The percentage of rectification submissions moderated and submitted by the Department that do not require further evidence or rectification.	95%

Schedule 1A: Seeking exemptions

1. Process for seeking and granting exemptions annually

The Department will, in relation to a Government School, each year on or before **30 April**, write to the VRQA to apply for any:

- (a) exemption from the curriculum minimum standard for a school;
- (b) an approval for an enrolment number that is less than the minimum enrolment number required under the student enrolment numbers set out in clause 7 of Schedule 4 of the ETR Regulations, where the Department is of the view that such an exemption or approval is necessary in relation to that school.

If the VRQA grants an exemption or approval, it is in force for a period of 12 months.

A written response will be provided by the VRQA within 20 business days to complete applications made under this Schedule for exemptions

The VRQA and the Department acknowledge that:

- (a) Under Regulation 61 of the ETR Regulations, the VRQA may exempt a school from the part of the curriculum Minimum Standard set out in clause 6(b) of Schedule 4 of the ETR Regulations, *inter alia*, if the school is registered or to be registered for a specific purpose or if the school is a specialist school;
- (b) Specialist and specific purpose schools have an ongoing exemption from the part of the curriculum Minimum Standard set out in clause 6(b) of Schedule 4 of the ETR Regulations and do not need to apply for an exemption once the initial exemption has been granted.

2. Seeking and granting exemptions outside of the annual process

If the Department becomes aware that any school requires an exemption outside of the annual process outlined in clause 1 above, the Department will apply to the VRQA for those exemptions in one process once per term.

Schedule 2: Assessing and Reporting on the Compliance of Government Schools and Government School Boarding Premises with the minimum standards for registration

1. Purpose

The purpose of this Schedule is to:

- a) give effect to the obligations of the Parties under the ETR Act to allow them to determine whether Government Schools and Government School Boarding Premises comply with the Minimum Standards;
- b) give effect to the obligations of the Parties under the ETR Act to allow them to report on the compliance of Government Schools and Government School Boarding Premises;
- c) establish procedures for reporting on the compliance of Government Schools and Government School Boarding Premises; and
- d) set KPIs for the Department's obligations to review and assure the compliance of Government Schools and Government School Boarding Premises.

2. Authorisation of the Department to report on compliance by Government Schools and Government School Boarding Premises with the Minimum Standards

- a) Pursuant to the ETR Act, the VRQA is responsible for, among other things, registering Government Schools and Government School Boarding Premises and ensuring they continue to comply with the Minimum Standards.
- b) Under sections 4.3.2(c) and 4.3.8F(c) of the ETR Act, the VRQA has approved the Department as the body responsible for the review of Government School and Government School Boarding Premises compliance with the Minimum Standards.
- c) It is the responsibility of the Department to ensure that any required delegations are in place to give effect to its role as a Review Body and to advise the VRQA of any delegation arrangements.
- d) The Department is required to notify the VRQA prior to making any change to existing delegation arrangements.
- e) As a Review Body, the Department will carry out the responsibilities outlined in clause 8.1(e) of this MoU.
- f) In relation to cyclical reviews and in addition to its responsibilities outlined in clause 8.1(e), the Department will:
 - (i) develop and implement a system for moderation and quality assurance of assessment reports using a risk-based approach and random sampling methodologies;
 - (ii) where non-compliances are identified through a review or assessment, ensure that clear action plans with timelines for achieving compliance are provided to Government Schools and Government School Boarding

Premises and monitor the progress of addressing the non-compliances identified; and

- (iii) provide support and guidance to Government Schools and Government School Boarding Premises identified as non-compliant to ensure they meet the Minimum Standards within a maximum of 3 months from receipt of an action plan.

3. Annual Reports to the School and School Boarding Premises Community

Annual Reports to the School Community and Annual Reports to the School Boarding Premises Community will be:

- (a) provided in Microsoft Word and PDF format or as otherwise agreed between the VRQA and the Department;
- (b) submitted to the VRQA for publication on the VRQA State Register by **30 June** of each year during the Term of the MoU.

4. VRQA's Approval of the Department to provide reports

For the purposes of sections 4.3.2(c) and 4.3.8F(c) of the ETR Act, the VRQA approves the Department as a Review Body to provide reports to the VRQA regarding compliance and non-compliance by Government Schools and Government School Boarding Premises with the Minimum Standards.

The Department

The Department must:

- (a) require all Government Schools to include in their Annual Report to the School Community an attestation by the principal that their school is compliant with the Minimum Standards and all requirements for school registration including Ministerial Order 870.
- (b) ensure that the Department's Annual Compliance Report is consistent with Annexure A and is completed and forwarded to the VRQA on or by **31 July** of each year for the preceding school year.
- (c) ensure that the Department reports annually to the VRQA specifically on Government School and Government School Boarding Premises compliance with Ministerial Order 870 on or by **15 July** of each year for the preceding financial year. This report will enable the VRQA to meet its reporting obligations to the CCYP. This report is to be completed in a form approved by the VRQA.

The VRQA

The VRQA will

- (a) provide an initial response to the Department's Annual Compliance Report including feedback for discussion and notification of issues arising within 10 working days after the receipt of the report by the VRQA.

- (b) advise the Department of any compliance issues relating to Government School provision of CRICOS courses, VET programs and Student Exchange programs or in relation to school boarding premises.

The VRQA may during the term of this MoU, seek to validate the Annual Compliance Report provided by the Department. In doing so, the VRQA would negotiate an acceptable methodology, scope and timing through consultation with the Department.

5. Improving compliance

In the Annual Compliance Report, the Department will identify those Minimum Standards with higher levels of non-compliance, and advise the VRQA on actions the Department will take to address these areas.

6. Key Performance Indicators – Reviews

The Department's performance as a review body under this schedule will be measured against the Key Performance Indicators in the table below.

KPI	Measure
1. Percentage of assessments submitted and validated by the VRQA and do not require further evidence or rectification	75%
2. Percentage of all completed assessment reports moderated by the Department	<p>From term 4 2021 until the commencement of term 2, 2022, the Department will:</p> <ul style="list-style-type: none"> • moderate 100% of all assessment reports with any non-compliant findings completed by externally contracted reviewers; • moderate 50% of all assessment reports completed by externally contracted reviewers, with half of the reports to be a random sample of Primary, Secondary and Specialist schools and half of the reports to be identified using risk-based methodologies; and • moderate 100% of all assessment reports completed in house. <p>After the commencement of term 2, 2022, the Department will:</p> <ul style="list-style-type: none"> • moderate 100% of all assessment reports completed by externally contracted reviewers; and • moderate 100% of all assessments of high risk minimum standards in assessment reports completed in-

	<p>house using targeted risk-based methodologies to determine which minimum standards will be moderated; and</p> <ul style="list-style-type: none"> • moderate 50% of all assessment reports completed in-house in relation to all of the minimum standards ensuring this includes assessments conducted by all reviewers.
<p>3. Percentage of annual reports provided to the Department by 30 June each year</p>	<p>95%</p>

Schedule 3: Complaints, specific reviews and general reviews

1. Purpose

The purpose of this Schedule is to:

- a) establish a process for triaging and referring complaints received by the VRQA about Government Schools and Government School Boarding Premises to the Responsible Officer;
- b) explain the process for the VRQA to request that the Department, as a Review Body, undertake a general review or a specific review of a particular Government school or Government School Boarding Premises;
- c) confirm that the Annual Compliance Report will contain data on complaints received by the relevant areas of the Department's central office that relate to the Minimum Standards in relation to categories/topics to be agreed between the VRQA and the Department.

2. Complaints and specific reviews

- a) Under sections 4.2.2(1)(nd)(i) and (iii) of the ETR Act, the VRQA has a function to investigate complaints against schools and school boarding premises, which, if proven, would be a breach of the Minimum Standards.
- b) Where the VRQA receives a complaint about a Government School or Government School Boarding Premises, it may refer the complaint to the Department.
- c) Under section 4.3.3 of the ETR Act, the VRQA can undertake either a 'general review' or a 'specific review' of a school. Similarly, under sections 4.3.8G and 4.3.8H of the ETR Act, the VRQA can undertake a general or specific review of a school boarding premises. A general review involves a review of a school or school boarding premises' compliance with all of the Minimum Standards. A specific review may focus on particular Minimum Standards and is opened on the grounds identified in section 4.3.3(2A) and 4.3.8H(2) of the ETR Act.
- d) The VRQA can request that the Department (as the Review Body) undertake either a general review or a specific review, investigation or assessment of compliance with the Minimum Standards.
- e) The Department will respond within the timelines set by the VRQA to report on the outcome of the general review or specific review, including to provide any information that has been requested. Where timelines cannot be met, the Department will seek an extension of time by agreement with the VRQA.
- f) In relation to referrals of complaints or concerns to the Department, in addition to its responsibilities under clause 8.1(e) of this MoU, the Department will:
 - i) commence a review, assessment or investigation (as appropriate) within 14 days (excluding where the referral is received during the school holidays) of receipt of the referral;
 - ii) provide updates at monthly meetings or other process by agreement on the progress of a complaint investigation or referral;

- iii) provide copies of any assessment, review or investigation report to the VRQA together with any evidence relied upon in assessing compliance with the Minimum Standards;
- iv) where the complaint or concern relates to the care, safety and welfare of students, including Ministerial Order No. 870, notify the VRQA as soon as possible and at most, within 7 days of any supports and actions taken or proposed to be taken to ensure the ongoing safety of children at the Government School and/or Government School Boarding Premises;
- v) where a review or assessment is conducted, comply with the requirements in Schedule 2, clause 2(f)(ii) and (f)(iii) above; and
- vi) in relation to complaints, conduct an investigation in accordance with Department policies and procedures applicable to the nature of the allegations and notify the VRQA of the outcome of that investigation insofar as it relates to the Minimum Standards, including providing a copy of any report of the investigation as appropriate.
- vii) in relation to referrals of complaints or concerns to the Department, the VRQA will respond to the Department with its validation of the report and evidence submitted and relied upon by the Department in relation to compliance with the Minimum Standards within 30 days.

3. Reporting on Complaints

The Department will report annually to the VRQA on the number of complaints received by the relevant areas of the Department's central office that are relevant to the Minimum Standards, in accordance with clause 13.3(b)(iii) of this MoU, through the Annual Compliance Report.

ANNEXURE A – Criteria for reporting on Government Schools and Government School Boarding Premises compliance with the Minimum Standards

Reporting to the VRQA is pursuant to section 4.3.2(c) and 4.3.8F(c) of the ETR Act on whether Registered Government Schools and Government School Boarding Premises comply with the Minimum Standards

- The criteria that has been applied in assessing whether Government Schools and Government School Boarding Premises comply with the Minimum Standards is outlined in the:
 - *VRQA Guidelines to the Minimum Standards and Other Requirements for School Registration* as published on the VRQA website.
 - *VRQA Guidelines to the Minimum Standards and Requirements for School Boarding Premises Registration* as published on the VRQA website
 - Relevant departmental documents including the policies, guidance and resources on the Policy and Advisory Library and the School Policy Templates Portal.

These documents may be updated at times to reflect legislative and policy changes.

The VRQA will notify the Department of the format for reporting on the following matters no later than 30 December in the year preceding the due date for inclusion of these matters in the Annual Compliance Report:

- compliance of Government Schools and Government School Boarding Premises against the Minimum Standards
- areas of non-compliance of Government Schools and Government School Boarding Premises unable to be resolved by the Department and previously reported to the VRQA
- promotion of the Minimum Standards
- Government Schools and Government School Boarding Premises reviewed
- Government Schools and Government School Boarding Premises: new or amended registration applications.

ANNEXURE B - MoU Key Dates

Date	Activity
30 April	Applications for exemptions from Minimum Standards for curriculum and/or minimum enrolment numbers
30 June	Applications due for schools seeking senior secondary registration to provide an accredited senior secondary course
30 June	Annual Reports to the School Community under Schedule 2 due to the VRQA
15 July	Report on Compliance of Government Schools and Government School Boarding Premises with the Child Safe Standards under Ministerial Order 870 in a form approved by the VRQA to enable the VRQA to meet its reporting obligations to CCYP.
31 July	Department Annual Compliance Report to the VRQA
31 August	Applications due for new Registered Government Schools and Registered Government School Boarding Premises
31 August	Applications due for amendments to school (excluding addition of senior registration) or school boarding premises registration
1 November	Schedule of schools and school boarding premises to be reviewed by the Department in the coming year