



Victorian  
Registration &  
Qualifications  
Authority

# Regulatory Approach Statement 2022



# Context

This statement sets out the VRQA's high-level regulatory approach (our 'approach') including our key terms, our regulatory purpose, who we regulate, how we regulate and our regulatory toolkit. It provides our regulated entities, governments and the public with a clear statement of how we perform our role and what can be expected from us.

# Key terms

## Harm

Regulation aims to eliminate or minimise harm. For the VRQA harm includes physical, psychological, emotional and financial harms, and reductions in individual and societal benefits of education and training.

We seek to eliminate or minimise harm and the risk of harm, to children, students, apprentices and trainees receiving education and training services within our scope of regulation. We do this directly and through our co-regulators.

## Duty holder

The entities we regulate have duties and obligations under Victorian law. We refer to these entities as 'duty holders'. Duty holders can be individuals or organisations. Our role is to monitor and enforce compliance with these duties. Our approach states how we will do that.

## Sectors

In this document, 'sectors' refers to all VRQA regulated sectors (see Who we regulate), not just to school sectors (government, Catholic, independent).

## Mandatory standards

We regulate to defined standards in different sectors, including the minimum standards and requirements for school registration, the Australian Quality Training Framework (AQTF) Essential Conditions and Standards for Initial Registration of Registered Training Organisations, the National Standards for Group Training Organisations and the Education Services for Overseas Students (ESOS) Framework.

The standards vary in legislative duties, approaches to quality, and regulatory powers and tools. Because this regulatory approach applies across all our regulated sectors, we use the broad term 'mandatory standards'. Specific terms, such as 'minimum standards' for schools continue to be used in those sectors.

# Our regulatory purpose

We regulate for quality learning outcomes

## Our regulatory authority and powers

The VRQA is a statutory authority established under the *Education and Training Reform Act 2006*, responsible to the Minister for Education, the Minister for Skills and TAFE, and the Minister for Economic Growth.

Our role is defined by legislation, directions issued by our Ministers, and powers delegated on behalf of our Ministers to our Chief Executive Officer (Director). We regulate to a number of standards, codes and guidelines.

## Our regulatory toolkit

Legislation provides us with a range of powers and regulatory tools to monitor and enforce compliance with the registrations, accreditations or approvals we regulate. Our powers and tools vary across regulated sectors.

While our starting point is to seek compliance through education and support, we will use the full range of regulatory powers and tools where necessary to secure compliance.

Our regulatory tools include:

- robust application processes that inform and support our regulatory decisions to register, accredit or approve, including support from external experts or contracted services
- compliance guidelines, guides, frequently asked questions and practice notes
- information gathering and compliance monitoring, including inspections and visits
- conducting regular or specific reviews or assessments, compliance audits and investigations based on complaints or other intelligence
- remedial actions, including advice, show cause notices or warnings, enforceable undertakings, applying conditions, suspension of registration or approval and injunctions
- co-regulatory arrangements, including memoranda of understanding with other regulators and the appointment of review bodies to assess and promote compliance of relevant schools and school boarding premises
- sanctions, including imposing conditions, limitations or restrictions on duty holders, cancelling registration or accreditation or revoking approval, and securing other penalties including fines for infringements or prosecution of offences.



# Who we regulate

## Our scope and duty holders

We register:

- school education providers, including approval on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) for courses delivered by schools
- senior secondary education providers (both school and non-school providers) including approval on CRICOS for school sector courses
- school boarding premises
- children for home schooling in Victoria
- organisations to award senior secondary qualifications
- vocational education and training (VET) providers that deliver accredited training to domestic students in Victoria only, or Victoria and Western Australia only.

We also:

- appoint review bodies
- regulate apprenticeships and traineeships in Victoria
- monitor group training organisations in Victoria
- approve school and non-school providers as overseas secondary student exchange organisations
- accredit courses and register qualifications for VRQA-registered providers and senior secondary courses and qualifications in Victoria
- investigate complaints against our registered providers
- maintain a register of all education and training organisations we register and the accredited courses they deliver
- act to protect the interests of students as consumers of education or training services.





## Our regulatory principles

In undertaking our regulatory role, we will use our authority and influence in line with our regulatory principles. We are committed to meeting these principles in all we do and acting in a manner that is both predictable and effective.

Principle	Our commitment
<b>Transparency</b>	That relevant information, other than private and commercial-in-confidence information, is available to duty holders and the community.
<b>Proportionality</b>	That processes, incentives and penalties are proportional to the consequences of the particular risk.
<b>Consistency and predictability</b>	That processes and decisions will be sufficiently consistent as to be predictable to duty holders.
<b>Sector neutrality</b>	That all duty holders will be held to the same standards within the regulated sector while respecting their diversity and not taking a one-size-fits-all approach.
<b>Efficiency and agility</b>	That processes deliver maximum public benefit for minimum resources. We will use co-regulators effectively, allow for flexible, case-specific responses, and decisions will be timely.

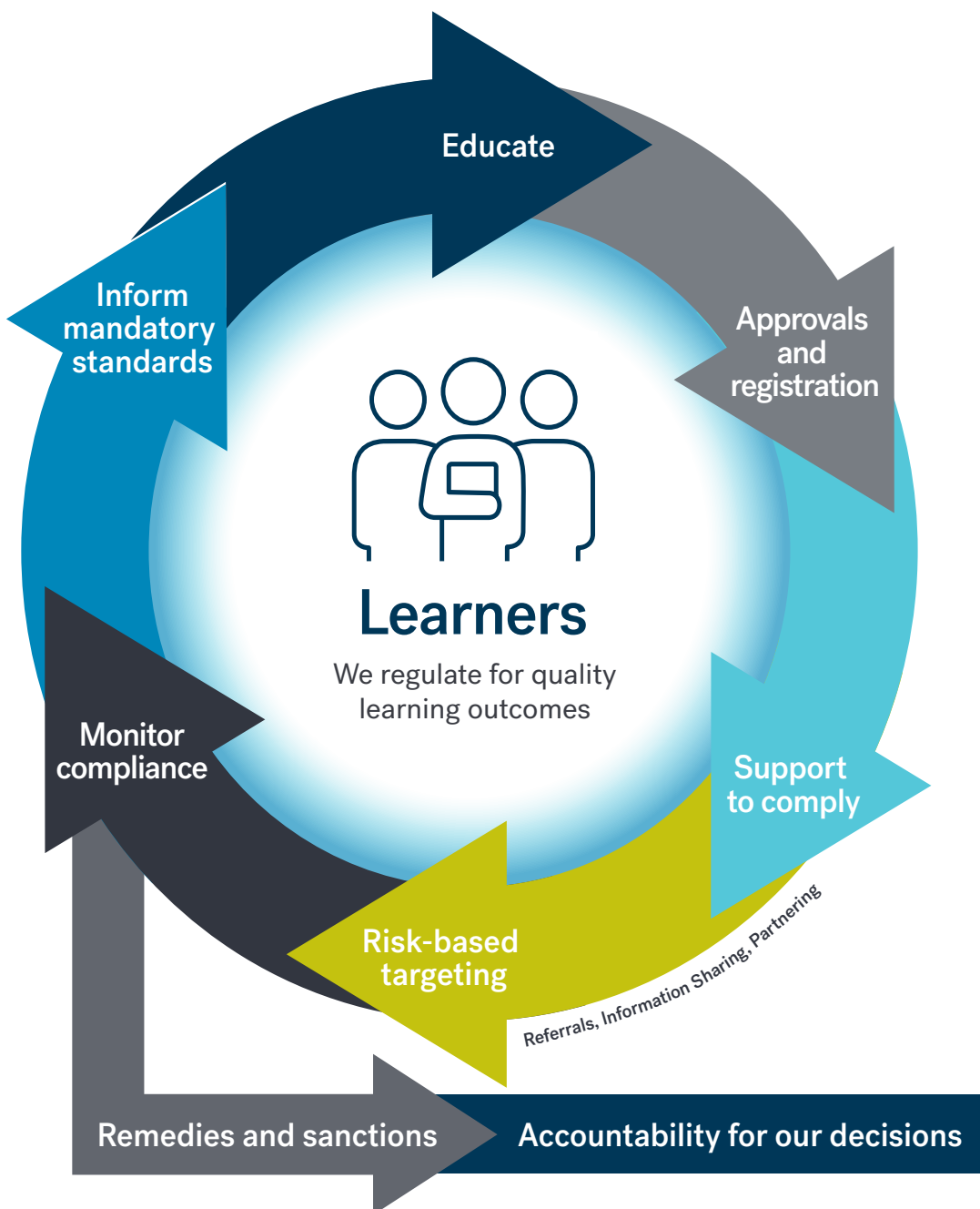
# How we regulate

## The elements of our approach


Our approach is how we use our authority and influence to shift behaviour of duty holders to eliminate or minimise harms of concern and deliver on our desired regulatory outcomes.

Our approach involves elements that we apply based on the willingness, ability, behaviour and capacity of duty holders.

The diagram below shows how we put our approach into practice. The table on the following page describes the main elements of our approach in more detail.



Element	Our commitment
<b>Approvals and registration</b>	We register, approve, appoint, regulate, monitor, accredit, investigate and protect a range of matters within our scope of regulation including courses, qualifications, training organisations, review bodies, schools, home schooling, school boarding facilities, student exchange organisations, and employers of apprentices and trainees. This includes setting entry requirements, controlling ongoing participation in regulated services and setting registration conditions.
<b>Support to comply</b>	Responsibility for compliance always rests with the duty holder, and we assume most individuals and organisations want to do the right thing. To maximise voluntary compliance, we provide practical and constructive support on mandatory standards and identifying and managing risks to children, students, apprentices and trainees.
<b>Risk-based targeting</b>	We prioritise our effort to address the greatest risks and where our activities will have the most effect. We do this through intelligence by collecting data, analysing trends, proactively identifying risks and early warning signs, and sharing information with co-regulators and our regulatory agents. Our targeted activity is supported by ongoing regulatory monitoring programs. Our risk-based targeting still requires duty holders to comply with all relevant duties.
<b>Referrals, information sharing and partnering</b>	We inform and work with our co-regulators and agents where they are better placed to regulate a shared harm or risk of non-compliance within their jurisdiction. Where we identify a harm or risk of harm not within our jurisdiction, we will refer this to the appropriate primary regulator, including any criminal activity that needs to be referred to Victoria Police. We undertake joint regulatory activities or information sharing where warranted and legally permissible.
<b>Monitor compliance</b>	We actively monitor compliance to hold duty holders accountable with the law and mandatory standards. We detect and deter non-compliance both directly and with our co-regulators and agents, through the range of tools at our disposal.
<b>Remedies and sanctions</b>	<p><b>Our enforcement approach</b></p> <p>To ensure duty holders remedy non-compliance or potential non-compliance, we will actively seek voluntary compliance, an agreed negotiated outcome, or where necessary will compel remedial action using the full force of law. We will hold people accountable for inappropriate and harmful behaviours. We will apply our enforcement tools in an escalating manner, from least to most severe, in response to the risk of harm caused by non-compliance, and the attitude and behaviour of the duty holder. To deter non-compliance we will independently, assertively and responsively pursue and publicise sanctions to drive changes in behaviour and deliver justice for those harmed.</p>
<b>Accountability for our decisions</b>	We will provide all reasonable opportunities for duty holders and the public to have our decisions reviewed. Where this involves legal processes, we will act as ‘model litigants’ as required of public sector agencies. We will be transparent about complaint and appeal processes.
<b>Inform mandatory standards</b>	Governments set the mandatory standards that duty holders are required to meet, and we monitor compliance against these. Where we identify opportunities for improvement, we inform and influence policy-makers to support any update to standards or the law. Our effectiveness in influencing is related to our reputation as a regulator.
<b>Educate</b>	We make clear our role and raise awareness of laws regulating duty holders. We promote voluntary compliance through engagement and supply of information to duty holders and the public. We maintain public information on registered education and training providers, and courses and qualifications to support students to make informed choices.



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