Guidelines

**to the** **Minimum Standards   
and Requirements for School Boarding Premises Registration**



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Level 4

Casselden

2 Lonsdale Street

Melbourne Vic 3000

GPO Box 2317

Melbourne Vic 3001

T (03) 9637 2806

[VRQA.school.boarding.premises@education.vic.gov.au](mailto:VRQA.school.boarding.premises@education.vic.gov.au)

[www.vrqa.vic.gov.au](http://www.vrqa.vic.gov.au)

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In Victoria, all school boarding premises must meet the minimum standards for registration.

The minimum standards provide a foundation for ensuring school boarding premises are safe environments for children.

Introduction

About the Guidelines

The *Education and Training Reform Act 2006* (the Act) and the Education and Training Reform Regulations 2017 (ETR Regulations) prescribe the minimum standards and other requirements that providers of school boarding services at school boarding premises must comply with to be registered and maintain registration. These regulations came into operation on 18 June 2021.

The *Guidelines to the Minimum Standards and Requirements for School Boarding Premises Registration* (the Guidelines) form part of the legal framework for the registration and regulation of school boarding premises. The Guidelines detail the requirements for demonstrating compliance with the minimum standards for registration of boarding school premises and other requirements under the Act.

The purpose of the school boarding premises regulatory framework is to increase the protection of children in school boarding premises by ensuring school boarding premises meet the Child Safe Standards and prescribed minimum standards.

These Guidelines assist school boarding premises to understand the requirements of the prescribed minimum standards and provide guidance on the evidence required to demonstrate compliance.

These Guidelines should be read in conjunction with other associated Victorian Registration and Qualifications Authority (VRQA) documents, namely:

* [*Guidelines to the Minimum Standards and Requirements for School Registration*](https://www2.vrqa.vic.gov.au/guidelines-and-standards-for-schools#minimum-standards-and-requirements-for-school-registration)
* [*School and School Boarding Premises Financial Capability Assessment Guideline*](https://www2.vrqa.vic.gov.au/guidelines-and-standards-for-schools#financial-management)
* [*Guidelines for the Enrolment of Overseas Students Aged Under 18 Years*](https://www2.vrqa.vic.gov.au/overseas-students#standards-and-guidelines-for-cricos-providers)
* [*Guidelines on Bushfire Preparedness – Registered Schools*](https://www2.vrqa.vic.gov.au/guidelines-and-standards-for-schools#bushfire-preparedness) *and School Boarding Premises*

If a registered school and a registered school boarding premises have the same legal entity and/or proprietor, a school boarding premises does not need to create or maintain 2 separate sets of documents to meet the requirements in these Guidelines and the *Guidelines to the Minimum Standards and Requirements for School Registration*.

How to read the Guidelines document

**For schools**

These Guidelines seek to uphold the VRQA’s commitment to ensuring schools and school boarding premises are child safe environments while minimising the regulatory burden for registered schools. There is significant alignment between the minimum standards and requirements for school registration and the minimum standards and requirements for school boarding premises registration.

To reflect this alignment, this Guidelines document has been designed to clearly show where schools may consider adapting existing policies and procedures to address the minimum standards and requirements for school boarding premises registration.

Requirements where registered schools may consider adapting existing policies and procedures are marked with an ▼ symbol throughout this document.

Levels of alignment between the minimum standards and requirements for school registration and the minimum standards and requirements for school boarding premises registration are also ranked. Alignment is categorised as **significant** or **moderate.**

These categories are offered to help schools understand and plan their compliance activity.

For organisations

Non-school organisations operating a school boarding premises can use this Guidelines document as a resource to understand and meet the requirements for registration and to ensure they have developed and implemented all required policies and procedures.

Who uses the Guidelines?

The Guidelines apply to:

1. registered schools and other organisations that provide school boarding services at a school boarding premises to local and/or international school students
2. organisations seeking to register a new boarding premises for local and/or international school students.

The Guidelines describe the information, documentation and other evidence the VRQA requires for it to be satisfied that the provider of school boarding services at a school boarding premises meets the minimum standards. The Guidelines should be used by:

a registered school or organisation applying for registration of school boarding premises or a review body applying to register school boarding premises. Catholic and government schools should contact the Catholic Education Commission of Victoria Ltd (CECV) or the Department of Education and Training (DET) for advice, application forms and procedures

2 or more registered school boarding premises proposing to amalgamate

a provider of school boarding services at a registered school boarding premises seeking to amend its registration

* a registered school boarding premises undergoing review.

The VRQA uses the Guidelines when conducting reviews to determine whether a provider of school boarding services and the school boarding premises continue to satisfy the minimum standards.

The Guidelines do not detail all the evidence a provider of school boarding services at a school boarding premises may need to demonstrate compliance with the minimum standards. The VRQA may request evidence of compliance that is in addition or different to that set out in the Guidelines.

References to regulations, Ministerial Orders or provisions of an Act are as at the date of the Guidelines. From time to time there may be amendments to the Act or ETR Regulations, or the issuing of new Ministerial Orders. It is the responsibility of providers of registered school boarding premises and those applying for registration to ensure they update practices, policies and procedures to reflect any of these changes.

School boarding premises registration

The ETR Regulations list the information that must be provided as part of an application to register a school boarding premises. The details are provided in *Appendix 1*.

As detailed in *Appendix 1*, school boarding premises must be registered as one or more of the following types:

* a non-government school boarding premises
* a government school boarding premises.

Applications to register a school boarding premises need to declare if there is an association with a registered school and if there is any religious or other affiliation or association.

Registering a new school boarding premises

An individual or organisation seeking to register a new school boarding premises applies to the VRQA for registration.

The Guidelines detail the evidence required and should be referred to when completing the application form. Schedule 5A of the ETR Regulations also details the information that must be provided to the VRQA in an application for school boarding premises registration.

Registration requirements

Organisations offering or applying to offer school boarding services at a school boarding premises are required to meet the minimum standards set out in Schedule 4A of the ETR Regulations.

More information and the guidelines for organisations seeking to offer boarding services and facilities to students is available at:

[www2.vrqa.vic.gov.au/school-boarding](https://www2.vrqa.vic.gov.au/school-boarding)

Review bodies

One of the ways the VRQA may satisfy itself that a school boarding premises continues to comply with the minimum standards is through a review conducted by a VRQA-approved review body.

The VRQA has approved CECV and DET as review bodies responsible for ensuring the ongoing quality assurance of their respective school boarding premises with the minimum standards and other requirements for registration.

Boarding school premises reviews

Once registered, a school boarding premises is reviewed every 4 to 5 years by the VRQA or the approved review body. The Act requires a registered school boarding premises to participate in the review and evaluation process, and to provide the VRQA with the necessary evidence required to demonstrate that it is complying with the minimum standards. Where possible, the VRQA will conduct concurrent reviews of registered schools and an associated registered school boarding premises.

The VRQA may also open a review of a school boarding premises at any time if it considers it appropriate to do so.

Outcomes of applications and reviews

The VRQA will advise all applicants and providers of school boarding services at school boarding premises of the outcome of their applications for registration or review.

Certain decisions made by the VRQA about registration may be reviewed by the Victorian Civil and Administrative Tribunal.

For more information, see:

* [www2.vrqa.vic.gov.au/understand-independent-school-reviews](https://www2.vrqa.vic.gov.au/understand-independent-school-reviews)

Complaints about compliance

The VRQA is required to investigate a complaint alleging that a provider of school boarding services at a registered school boarding premises (the provider) has failed to comply with the Act, the ETR Regulations, a Ministerial Order or a condition of its registration or approval.

A complaint must first be raised with the provider. In most cases, under the review body arrangements, complaints about:

government school boarding premises will be referred to DET

Catholic school boarding premises will be referred to CECV

* independent school boarding premises will be investigated by the VRQA.

Some complaints may result in the VRQA undertaking a general or specific review of the provider’s compliance with the minimum standards.

For more information on the VRQA's policy and procedures on complaints, see:

* [www2.vrqa.vic.gov.au/make-complaint](https://www2.vrqa.vic.gov.au/make-complaint)

The minimum standards

Compliance with the *Worker Screening Act 2020*

All people employed at a school boarding premises must meet the requirements of the *Worker Screening Act 2020.*

For schools ▼

There is **significant** alignment between this requirement and the requirement in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Compliance with the* *Worker Screening Act 2020* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

Evidence requirements

There must be evidence of:

a policy and procedure to ensure that all employees and volunteers required to do so by the *Worker Screening Act 2020* have a current Working with Children clearance

a register recording the details of each employee’s, contractor’s and volunteer’s Working with Children clearance which includes:

* name
* card number
* expiry date
* procedures for maintaining the register.

Explanatory notes

The *Worker Screening Act 2020* requires all employees, contractors and volunteers to obtain a Working with Children clearance if they are engaged in child-related work.

Child-related work involves contact that is direct and a part of the person’s duties.

Some workers may work at both the boarding premises and the affiliated school. If the proprietor of the boarding premises is not the same as that of the school, a person’s Working with Children clearance details will need to be included on both the school’s Working with Children register and the boarding premises’ Working with Children register, since the worker has multiple places of work.

If the boarding premises and the school have the same proprietor, a single Working with Children register may be maintained that notes whether that person works in the school, the boarding premises or across both.

For a full list of what constitutes child-related work, providers of school boarding services at registered school boarding premises should refer to section 7 of the *Worker Screening Act 2020.*

Teachers currently registered with the Victorian Institute of Teaching (VIT) can use their VIT registration in lieu of obtaining a Working with Children clearance.

A currently registered teacher who is employed or contracted in a non-teaching capacity at a registered school boarding premises will need to comply with the requirements of the *Worker Screening Act 2020,* including notifying the screening unit of other employment.

For more information about who needs to hold a Working with Children clearance, see:

* [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au)

Regulatory context

The provider of school boarding services at a registered school boarding premises must ensure that the requirements of the *Worker Screening Act 2020* are complied with in respect of all staff at the registered school boarding premises.

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

Acceptance policy

The provider of school boarding services at a registered school boarding premises must have a clearly defined school boarding acceptance policy that complies with all applicable State and Commonwealth laws.

The provider of school boarding services at a registered school boarding premises established by a particular religious denomination or by a group of religious denominations may give preference to adherents of that religious denomination or denominations or their children.

For schools ▼

There is **moderate** alignment between this requirement and requirements found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Enrolment policy* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises or may choose to develop a stand-alone policy, procedure and acceptance agreement.

Evidence requirements

There must be evidence of:

policy and procedures that make clear who is eligible for acceptance as a boarding student

a written acceptance agreement with parents or guardians that complies with all State and Commonwealth laws, including the Australian Consumer Law. The agreement must be publicly available and cover, at a minimum:

* codes of conduct for students, and parents and guardians
* boarding services and facilities provided – for example, linen or a computer
* fees, with a clear explanation of the service(s) that fees are payable for and other incidental fees that may become payable
* the grounds on which the agreement may be terminated by the provider or the student.

Explanatory notes

Schools should consider how their boarding premises acceptance policy aligns to their scope of registration. This means your school boarding premises acceptance policy should state:

which school or schools the school boarding premises provider is affiliated with (if any)

religious affiliation (if any)

the year levels the boarding premises will accept

whether the boarding premises is single-sex or   
co-educational

* whether the school(s) using the premises are specialist or specific purpose.

A school or organisation’s school boarding acceptance agreement should clearly explain the accommodation offered, and incidental or additional services that are available to a boarder, and the fees for these services. This means explaining if a boarder will have access to:

a private or shared bedroom and/or bathroom

the provision of meals

laundry or cleaning services

tutoring

pastoral care

communications services

entertainment

* school holiday services.

A school or organisation’s acceptance agreement should link with other relevant policies and procedures. For example:

codes of conduct

anti-bullying and harassment

behaviour management

* the school’s enrolment agreement (if applicable).

A school or organisation’s school boarding acceptance agreement should also clearly identify the grounds on which an acceptance agreement will be terminated and how this may or may not impact on a student’s enrolment at the school (if applicable where the school and boarding premises have the same proprietor or are a related entity).

If the provider of school boarding services is also registered under the *Education Services for Overseas Students Act 2000* (Cwth), the acceptance policy will also need to comply with the requirements of that Act (for example, disclosure of indicative fees for the boarding services, termination of boarding, or refund policies).

Regulatory context

(1) The provider of school boarding services at a registered school boarding premises must have a clearly defined acceptance policy that complies with all applicable State and Commonwealth laws.

(2) The provider of school boarding services at a registered school boarding premises established by a particular religious denomination or by a group of religious denominations may have an acceptance policy that gives preference to adherents of that religious denomination or denominations or their children.

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

Register of students

The provider of school boarding services at a registered school boarding premises must maintain a register of its accepted students that contains prescribed information in relation to each student boarding at the premises.

**For schools**

There is no alignment between this requirement and any requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration*. However, schools may have existing student management systems that can record this information.

Evidence requirements

There must be evidence of a register recording:

the student’s name, age, date of birth and residential address

the name and contact details of any parent or legal guardian of the student

any information relating to the health or wellbeing of the student that the provider should be aware of, including any health issues

the date of acceptance of the student to board at the premises

the date that the student ceases to be accepted to board at the premises (if applicable)

* the registered school at which the student is enrolled or attending.

There must be evidence of a policy and procedure for maintaining the currency of the register.

Explanatory notes

The register of boarding students needs to record key information about each accepted student, including personal and health information, contact information for the student’s parent or guardian, and the registered school that the student has enrolled in or attends. Examples of health information may include student disabilities (if any), or other conditions affecting the student’s physical or mental health including diabetes, asthma, anaphylaxis, allergies, or other health or wellbeing issues that are relevant to the provision of school boarding services to the student.

Regulatory context

The provider of school boarding services at a registered school boarding premises must maintain a register of students that contains the following information in relation to each student boarding at the premises—

* 1. the student's name, age, date of birth and residential address;
  2. the name and contact details of any parent or guardian of the student;
  3. any information relating to the health or wellbeing of the student that the provider should be aware of, including any health issues;
  4. the date of acceptance of the student to board at the premises;
  5. the date that the student ceases to be accepted to board at the premises (if applicable);
  6. the registered school at which the student is enrolled or attending.

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

Record of location of students

The provider of school boarding services at a registered school boarding premises must know where each boarding student is located at specific times of the day or night. The provider must do this by maintaining a record of every boarding student’s location at specific times, including any reason, given or apparent, for the absence of any student from the school boarding premises. This will be known as a location register.

For schools

There is no alignment between this requirement and any requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration*.

Evidence requirements

There must be evidence in the form of a record of each student’s location at specific times of the day and night. For example, morning, afternoon, mealtimes, evening and when a student is absent. This record must be updated at provider-selected times within each 24-hour period to capture whether a student is:

* on site at the boarding premises
* absent from the boarding premises.

If the student is absent from the boarding premises, the record must show:

* the student’s location outside the boarding premises
* the reasons for the absence
* the name and contact details of the person responsible for the student during the absence.

Providers must also have a procedure to make sure the location register is kept up to date.

Explanatory notes

Schools and organisations need to know where their boarding students are to keep them safe.

Absences can be school-related (to attend school or a school event or activity, such as a camp or sporting activities), or non-school related.

Non-school related absences may include when a student returns home over the weekend or school holidays, or a parent or guardian consents to their child visiting a friend or relative. This may also be when a student visits another location with friends on a daytrip.

When a student is staying with a relative or friend, record that the parent or guardian of the boarding student has provided their consent to the arrangement. The record should include details of the name and contact details of that relative or friend. If the relative or friend is under 18, the name and contact details of their parent or guardian are required.

A school has additional and differing responsibilities where it has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter to enable the enrolment of an overseas student aged under 18. In these circumstances, a provider must ensure it complies with its obligations under the *Education Services for Overseas Students Act 2000*, the National Code and the VRQA *Guidelines for the Enrolment of Overseas Students Aged Under 18 Years*.

This includes that a provider must ensure that all the arrangements to provide or approve appropriate accommodation, support and general welfare for the student, including any service provision by third parties, meet the Child Safe Standards.

Consistent with standard 5.3.2 of the National Code, the provider must ensure that any adults involved in or providing accommodation and welfare arrangements to the student hold a valid Working with Children clearance.

For further information and a copy of the *Guidelines for the Enrolment of Overseas Students Aged Under 18 Years*, see:

[www2.vrqa.vic.gov.au/overseas-students#standards-and-guidelines-for-cricos-providers](https://www2.vrqa.vic.gov.au/overseas-students#standards-and-guidelines-for-cricos-providers)

Regulatory context

For the purposes of section 4.3.8X of the Act, the provider of school boarding services at a registered school boarding premises must—

1. maintain the record required to be kept under that section at specified times throughout the day and night; and
2. include in the record any reason given or apparent for the absence of any student from the school boarding premises.

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

Care, safety and welfare of students

A provider of school boarding services at a registered school boarding premises must have policies and procedures to provide students with a safe environment where the risk of harm is minimised and students feel safe.

The provider is responsible for ensuring all staff are aware of their legal obligations and are familiar with all relevant policies and procedures.

**For schools ▼**

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Care, safety and welfare of students* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

Evidence requirements

There must be evidence of policies and procedures for:

* the duty of care owed to students including that:
* it owes all students a duty of care to take reasonable measures to protect them from reasonably foreseeable risks of injury
* it owes a duty to take reasonable care that any student (and other persons) on the premises will not be injured because of the state of the premises, including things done or omitted to be done to the premises
* it owes a duty to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation
* different and sometimes greater measures may need to be taken for younger students or students with disabilities to discharge this duty of care
* when it may be necessary to use restrictive interventions to protect the safety of a student and members of the school boarding premises community. Note: government school boarding premises are required to follow DET’s policy on Restraint of Students and are not required to have a local policy on restrictive interventions
* managing student wellbeing, including:
* anti-bullying and harassment, including cyberbullying
* appropriate arrangements for on-site supervision of students
* appropriate arrangements for supervision of students when engaged in off-site activities and which include consideration of the risk of bushfire in the activity location (refer to *Emergency management, including bushfire management* in these Guidelines)
* arrangements for ill students
* accident and incident register
* first aid
* distributing medicine
* internet use
* managing complaints and grievances, including how the provider’s policies and procedures:
* ensure procedural fairness
* are accessible to the community of the school boarding premises and are consistent with its acceptance agreement.

There must be evidence of the provider’s:

* current register of staff trained in first aid
* records of student medical conditions and management, or a pro forma for a school applying to register
* emergency management plan which must be updated as required, and reviewed at least annually and immediately after any significant incident (this plan must be site-specific and include local threats, hazards and corresponding response procedures).

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

Explanatory notes

An emergency management plan addresses emergency and critical incidents which include:

* circumstances that pose a critical risk to the health, safety or wellbeing of one or more students or staff
* incidents requiring closure, lockdown, or reduction in the number of students or staff attending
* death or serious injury of a student or staff member at the school boarding premises or at another location authorised by the provider (for example, with another provider such as a registered training organisation).

A provider of school boarding services should update the emergency management plan as required throughout the course of the year as activities such as school camps and excursions are approved by the governing body.

Regulatory context

The provider of school boarding services at a registered school boarding premises must ensure that—

(a) the care, safety and welfare of all students boarding at the premises is in accordance with any applicable State and Commonwealth laws; and

(b) all staff employed by the provider are advised of their obligations under those laws.

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

Child safety

There must be evidence of the provider’s policies and procedures for ensuring all staff understand:

* mandatory reporting
* the failure to disclose offence
* the failure to protect offence
* the grooming offence under the *Crimes Act 1958* which is included in the definition of child abuse in the *Child Wellbeing and Safety Act 2005*.

These offences are explained in *Appendix 2*. For more information about mandatory reporting, the failure to disclose and the failure to protect offence, see:

* [www.vic.gov.au/department-families-fairness-and-housing](http://www.vic.gov.au/department-families-fairness-and-housing)
* [www.justice.vic.gov.au](http://www.justice.vic.gov.au)

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Child safety* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

Child Safe Standards

A provider of school boarding services at a registered school boarding premises must have developed policies, procedures, measures and practices in accordance with Ministerial Order No. 1359 – Implementing the Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises (Ministerial Order No. 1359).

Meeting the requirements of the Ministerial Order No. 1359 is the direct responsibility of the provider of school boarding services and its governing authority.

The provider of school boarding services must have clear policies and procedures in place that are appropriate for its cohort of accepted students and consistent with the boarding school’s philosophy (refer to *Philosophy of provider of school boarding services* in these Guidelines).

The VRQA has several resources to help boarding schools meet their compliance requirements.

For more information, see:

* [www2.vrqa.vic.gov.au/school-education](https://www2.vrqa.vic.gov.au/school-education)

For a copy of the Ministerial Order No. 1359, see:

* [www2.vrqa.vic.gov.au/legal-framework](https://www2.vrqa.vic.gov.au/legal-framework)

**For schools ▼**

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Child Safe Standards* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises. For example, registered schools may consider updating their existing risk register to incorporate the boarding premises and its student cohort.

Regulatory context

The provider of school boarding services at the premises has developed policies, procedures, measures and practices in accordance with a Ministerial Order for managing the risk of child abuse including—

1. the implementation of minimum standards for a child safe environment; and
2. responding to allegations of child abuse committed against a child at the premises by an employee or contractor of the provider or a person boarding at the premises or a volunteer or other person connected with the premises.

Section 4.3.8C(1)(d) of the *Education and Training Reform Act 2006*

Reportable conduct scheme

The reportable conduct scheme in Part 5A of the *Child Wellbeing and Safety Act 2005* applies to the provider of school boarding services at a registered boarding premises. Under the reportable conduct scheme, the provider’s chief executive officer (however described) is required as the head of organisation to notify the Commission for Children and Young People of all allegations of reportable conduct by workers including volunteers, and to investigate the allegation. If the allegation concerns suspected criminal behaviour, Victoria Police must be notified and consulted about the proposed investigation of the allegation.

More information is available at

* [www.ccyp.vic.gov.au](http://www.ccyp.vic.gov.au)

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *reportable conduct scheme* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

Anaphylaxis management policy

A provider of school boarding services must have developed a policy and have procedures in place for any student at risk of anaphylaxis.

The policy and procedures must be in accordance with Ministerial Order No. 706 – Anaphylaxis Management in Victorian schools and school boarding premises (Ministerial Order No. 706).

The VRQA has resources to help schools and organisations. For more information, see:

* [www2.vrqa.vic.gov.au/school-education](https://www2.vrqa.vic.gov.au/school-education)

For a copy of the Ministerial Order No. 706, see:

[www2.vrqa.vic.gov.au/legal-framework](https://www2.vrqa.vic.gov.au/legal-framework)

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Anaphylaxis management policy* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

Regulatory context

If the provider of school boarding services at the premises has accepted a student to board at the premises and knows, or ought reasonably to know, that the student has been diagnosed as being at risk of anaphylaxis, the provider has developed an anaphylaxis management policy containing matters required by a Ministerial Order to be included in the policy.

Section 4.3.8C(1)(c) of the *Education and Training Reform Act 2006*

Section 58 of the *Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021* introduced compliance with the Child Safe Standards as an additional registration requirement for school boarding premises.

Coronavirus (COVID-19) safety

A school boarding premises must have policies and procedures in place to enable it to comply with pandemic orders made from time to time by the Minister for Health under the *Public Health and Wellbeing Act 2008* relating to coronavirus (COVID-19).

**Evidence requirements**

School boarding premises must have:

* a COVIDSafe Plan
* policies and procedures to enable it to comply with any mandatory vaccination requirements for education workers, including policies and procedures:
  + to ensure all education workers are fully vaccinated against coronavirus (COVID-19) by the applicable deadline or hold a valid exemption
  + for the collection, use or disclosure of vaccination information and maintaining records about vaccination status as required by the pandemic orders.

**Explanatory notes**

Consistent with the requirement for education workers to be vaccinated against coronavirus (COVID-19), the Guidelines require school boarding premises to have policies and procedures:

to ensure their education workers are fully vaccinated by the specified dates or are an exempted person

to collect, record and hold vaccination information about an education worker

for maintaining the currency of records of the vaccination status of education workers.

The definition of ‘education worker’ typically used in the pandemic order is broad and includes:

1. any person who is employed by the proprietor of the school boarding premises to work at the premises
2. a person contracted to work at a school boarding premises and who will or may be in close proximity to children, students or staff, whether or not engaged by the proprietor of the school boarding premises – this may include tutors, caterers, IT personnel, National Disability Insurance Scheme (NDIS) providers and auditors (but does not include delivery personnel)
3. staff of DET who attend the school boarding premises (such as allied health professionals or authorised officers)
4. staff of any other entity who attends a school boarding premises
5. volunteers that work in close proximity to children, students or staff (including parent helpers) at the school boarding premises
6. students on placements at the school boarding premises.

Note: the definition is found in the Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022, as made from time to time.

All school boarding premises will already have in place a COVIDSafe Plan. The Guidelines require a school boarding premises to provide a copy of this to the VRQA at review or as requested by the VRQA.

School boarding premises should otherwise ensure they comply with all the requirements of the pandemic orders in force from time to time. The current pandemic orders register is found here:

* [www.health.vic.gov.au/covid-19/pandemic-order-register](http://www.health.vic.gov.au/covid-19/pandemic-order-register)

Regulatory context

The provider of school boarding services at a registered school boarding premises must ensure that—

1. the care, safety and welfare of all students boarding at the premises is in accordance with any applicable State and Commonwealth laws; and
2. all staff employed by the provider are advised of their obligations under those laws.

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

Emergency management, including bushfire management

Providers of school boarding services should develop an emergency management plan to cover the care, safety and welfare of students boarding at the premises, including responses to missing or injured boarders, as well as managing emergencies at the premises (not limited to bushfires).

All registered providers of school boarding services are required to meet the *Guidelines on Bushfire Preparedness – Registered Schools and School Boarding Premises*.

These requirements are in addition to the obligations under the minimum standard for the care, safety and welfare of students and the minimum standard relating to buildings, facilities and grounds.

There are additional requirements for schools and school boarding premises listed on the DET’s Bushfire At-Risk Register.

To find out if your school boarding premises is to be placed on the Bushfire At-Risk Register, contact:

* [emergency.management@education.vic.gov.au](mailto:emergency.management@education.vic.gov.au)

For more information on bushfire preparedness, see:

* [www2.vrqa.vic.gov.au/school-education](https://www2.vrqa.vic.gov.au/school-education)

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Emergency bushfire management* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises. In particular, registered schools may consider adapting or expanding their existing emergency management plan to incorporate an emergency management plan for the school boarding premises.

Schools with a boarding premises located at a campus on the Bushfire-At-Risk Register must develop a separate management plan addressing risks to that premises.

Student behaviour management (discipline)

In accordance with section 4.3.8C(1)(a) of the Act, the policies for student discipline must be based upon principles of procedural fairness and not permit the use of corporal punishment.

The provider of school boarding services at the school boarding premises must have policies, procedures and practices in relation to student behaviour including policies for student discipline, prohibition of corporal punishment and policies regarding the care, safety and welfare of students, and demonstrate how those policies are communicated to and upheld by staff employed at the premises.

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Student behaviour management (discipline)* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises. However, schools should note that greater measures may be required to discharge a school’s duty of care because they are responsible for the 24-hour care, safety and welfare of the students.

Regulatory context

The Authority must not register a school boarding premises unless the Authority is satisfied that—

1. the policies of the provider of school boarding services at the premises relating to the discipline of students who are boarding at the premises are based on principles of procedural fairness and do not permit corporal punishment.

Section 4.3.8C(1)(a) of the *Education and Training Reform Act 2006*

Buildings, facilities and grounds

A registered school boarding premises’ building, facilities, essential safety measures and grounds must comply with any laws that apply to the registered school boarding premises including local laws and building, planning and occupational health and safety laws.

**For schools ▼**

There is **moderate** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Buildings, facilities and grounds* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

Evidence requirements

There must be evidence of:

* any required permit to operate a school boarding premises on the site
* building and facility compliance with applicable local planning regulations including with the Building Code of Australia, Class 3 or equivalent and the *Public Health and Wellbeing Act 2008*:
* all buildings having an Occupancy Permit or Certificate of Final Inspection, as applicable, including essential safety measures maintenance requirements, displayed in an approved location
* evacuation plans allowing for the safe evacuation of persons using the building in the event of an emergency
* a maintenance schedule for buildings, facilities and grounds
* policy and procedures to ensure the provider complies with the *Occupational Health and Safety Act 2004.*

Explanatory notes

A provider of school boarding services may choose to seek advice from an external agency such as:

* the Victorian WorkCover Authority to establish its compliance with occupational health and safety requirements
* a private or local municipal building surveyor to establish its compliance with relevant building legislation
* the relevant local government authority for matters relating to public health and hygiene.

A school boarding premises on the Bushfire At-Risk Register with an on-site ‘shelter-in-place’ must comply with the *Guidelines on Bushfire Preparedness – Registered Schools and School Boarding Premises*.

A building must comply with the building regulations in force at the time of construction or newer regulations if the building was updated or if a maintenance determination has been issued.

Regulatory context

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

Schedule 4A clause 6 of the Education and Training Reform Regulations 2017

Governance

Schools and organisations must make sure the provider of school boarding services has a governance structure that allows the provider to discharge its duties to the school boarding premises, including:

* managing its finances
* developing its strategic direction
* fulfilling its legal obligations.

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Governance and probity* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

If a registered school and a registered school boarding premises are operated by the same legal entity, they should review their existing documents to ensure that they cover the governance and operation of the boarding premises and services. This means examining documents such as:

* constitution
* rules of association
* delegations
* risk register
* governance charter.

Where a school boarding premises is owned and/or operated by a related entity of the school (as that term is defined under the *Corporations Act 2001* (Cwth)) or an affiliated organisation of a school, evidence must include details of the relationship between the school and that entity.

Evidence requirements

The provider must provide:

* the governance structure of the provider of school boarding services at each school boarding premises, including its constitution or articles of association (however described)
* information about responsible persons (as that term is defined in the ETR Regulations) for the boarding premises (such as the ‘head of boarding’, ‘house master’ or equivalent role to the principal of a school).

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

* an outline of the governing body’s structure and membership, including details of the experience and expertise of the members of the board or governing body, the name of the proprietor of the school boarding premises and the legal entity type
* details of the member(s) of the company, if the school boarding premises is a company limited by guarantee or incorporated association (e.g. the register of members)
* copies of all delegations from the governing body. For example, financial or non-financial delegations made from the governing body for the school boarding premises to the school principal or person responsible for the operation of the school boarding premises
* the company or association’s constitution or articles of association
* a conflict of interest register for all responsible persons as defined in the ETR Regulations and a plan detailing how any conflict of interest or duty will be managed
* the most recent financial statement for the company or association, which must be audited by a registered auditor
* the school boarding premises’ governance charter, outlining the key functions and responsibilities of the school boarding premises board and any subcommittees
* the school boarding premises’ strategic plan
* the school boarding premises’ business plan\* which is validated by an independent qualified accountant\*, and which must include:
* enrolment estimates and assumptions
* 5-year financial forecasts.

\*The business plan must be validated by an independent qualified accountant who is not employed by or associated with the school or a related entity. The accountant should provide a signed statement that confirms the reasonableness of the business plan and validates any underlying assumptions.

For a government school boarding premises, the Act defines the role and responsibilities of a government school including the role of the school council. DET monitors adherence to this standard by government schools.

Regulatory context

The provider of school boarding services at a registered school boarding premises must structure the governance of a registered school boarding premises to enable—

(a) the effective development of the strategic direction of the school boarding premises; and

(b) the effective management of the finances of the provider; and

(c) the provider to fulfil its legal obligations.

Schedule 4A clause 7(1) of the Education and Training Reform Regulations 2017

Not-for-profit status

If a registered school and a registered school boarding premises have the same legal entity or proprietor, then the school will need to ensure that it doesn’t compromise the school’s compliance with the not-for-profit requirements under the ETR Regulations.

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Not-for-profit status* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

Explanatory notes

For a full explanation of not-for-profit and prohibited agreement arrangements, see:

* **not-for-profit** as per regulation 7 of the ETR Regulations
* **prohibited agreement or arrangement** as per regulation 7A of the ETR Regulations
* *Not-for-profit status* section of *Guidelines to the Minimum Standards and Requirements for School Registration*.

Regulatory context

1. A registered school must be a not-for-profit school.
2. The proprietor of a registered school must have sufficient controls in place to ensure that school property and assets are not distributed or used for the profit or gain of another person or entity.
3. Subclause (2) does not apply in relation to any money (other than government funding) or property of a registered school, which the proprietor of the school—
4. uses to conduct an early learning centre that is a feeder for enrolments to the school; or
5. provides to a person or entity to conduct an early learning centre that is a feeder for enrolments to the school; or
6. uses to conduct a school boarding premises including providing school boarding services at the premises to students enrolled at or attending the registered school, and where those services are not provided for the purposes of profit or gain; or
7. provides to the provider of school boarding services at a school boarding premises to provide those services to students enrolled at or attending the registered school, and where those services are not provided for the purposes of profit or gain.

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

Probity

In a non-government school boarding premises, every responsible person must be a fit and proper person as outlined in the ETR Regulations.

**For schools ▼**

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Probity* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises. In particular, registered schools that own or operate a boarding premises only need one Fit and Proper Person declaration per responsible person.

Evidence requirements

There must be evidence of a:

* completed Fit and Proper Person declaration from each responsible person
* list of each responsible person, their role and a summary of their qualifications and experience.

Explanatory notes

A responsible person must be a fit and proper person who:

* is able to carry out their responsibilities in relation to the operation of the school boarding premises in compliance with the laws of Victoria, the Commonwealth, another state or a territory relating to the provision of school education
* has not been found guilty of an offence which is (or which would if committed in Victoria be) an indictable offence
* has not been:
* in the case of an individual, insolvent under administration (for example, declared bankrupt)
* in the case of a body corporate, is not or has not been an externally administered body corporate
* is not a represented person under the *Guardianship and Administration Act 1986*
* is not in breach of any requirements of the *Worker Screening Act 2020* or has not had their approval revoked or suspended
* has not been the subject of, or associated with, an adverse finding or other action taken by a court, tribunal, commission of inquiry, professional discipline body or regulatory authority (in Victoria or elsewhere) where the adverse finding relates to:
* dishonest, misleading or deceptive conduct, or
* non-compliance with a legal obligation relating to the provision of education, or
* a breach of duty (including a duty of disclosure).

The VRQA may exempt a person from the requirement to comply with Schedule 4A clause 7(5)(b) or (5)(f) if in its opinion it would not be appropriate to exclude that person from being involved in the conduct of the school boarding premises.

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

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

A notifiable disclosure event is defined in regulation 5 of the ETR Regulations.

The Authority may exempt a person under regulation 71B from the requirements in clause 7(5)(b) and (f).

For the purposes of clause 7(5)(f), an adverse finding or action may include a decision by a registering body to limit, suspend or cancel a registration or permit granted to a responsible person individually, or to a body or entity that the responsible person has been associated with governing.

Regulatory context

In this clause—fit and proper person means a responsible person who—

(a) is able to carry out the person's responsibilities in relation to the conduct of a registered school boarding premises in compliance with the laws of Victoria, the Commonwealth, another State or a Territory relating to the provision of school boarding services; and

(b) has not been found guilty of an offence which is, or which would if committed in Victoria be, an indictable offence; and

(c) has not been—

(i) in the case of an individual, insolvent under administration; or

(ii) in the case of a body corporate, an externally-administered body corporate; and

(d) is not a represented person; and

(e) if the person is given an assessment notice under the *Worker Screening Act 2020* in relation to the school boarding premises, complies with—

(i) all requirements under that Act that apply to the person as a holder of an assessment notice; and

(ii) all requirements under that Act that apply to the person if the assessment notice is revoked or suspended; and

(f) has not been the subject of, or associated with, an adverse finding or the subject of action taken by a court, tribunal, commission of inquiry, professional disciplinary body or regulatory authority (in Victoria or elsewhere) if the adverse finding or the action relates to—

(i) dishonest, misleading or deceptive conduct; or

(ii) non-compliance with a legal obligation relating to the provision of school boarding services; or

1. a breach of duty (including a duty of disclosure).

Exemption from school boarding premises governance standard—

(1) The Authority may exempt a person from a requirement in clause 7(5)(b) or (f) of Schedule 4A if the Authority is of the opinion that it would not be appropriate to exclude that person from being involved in the conduct of the school boarding premises.

(2) For the purposes of subregulation (1), the Authority must have regard to the following matters—

(a) the nature and gravity of the particular offence or misconduct, and its relevance to conducting a school boarding premises;

(b) the period of time since the person committed the offence or engaged in the misconduct;

(c) the punishment imposed for the offence or misconduct;

(d) whether or not the offence has been decriminalised or the standards of conduct have materially changed since the person engaged in the conduct that constituted the offence or misconduct;

(e) the person's behaviour since the person committed the offence or engaged in the misconduct;

(f) any information given by the person to the Authority concerning the person's conduct in relation to the registration of the school boarding premises;

(g) any other matter that the Authority considers relevant.

(3) A person to whom an exemption under subregulation (1) applies is exempt from the requirements in clause 7(5)(b) or (f) of Schedule 4A in accordance with the terms of that exemption (if any).

Schedule 4A clause 7 of the Education and Training Reform Regulations 2017

Regulation 71B of the Education and Training Reform Regulations 2017

Philosophy of provider of school boarding services

The provider of school boarding services at a registered school boarding premises must publish a clear statement of its philosophy and be able to demonstrate how that philosophy is enacted.

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Philosophy* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises. In particular, registered schools may consider incorporating the statement of philosophy for the school boarding premises into the statement of philosophy for the registered school.

Evidence requirements

There must be evidence of:

* a statement of the school boarding services provider's philosophy which includes the vision, mission, values and objectives of the school boarding premises
* a description of how the school boarding services provider enacts its philosophy at the registered school boarding premises
* an outline of where the school boarding services provider has published a statement of its philosophy.

Explanatory notes

A school boarding services provider must have a clear statement of its philosophy and be able to demonstrate how that philosophy is enacted. Requiring a clear statement of philosophy can encourage consideration of how providers might develop healthy organisational cultures that promote the safety and wellbeing of students.

The school boarding services provider’s philosophy statement communicates the nature of the school boarding services being offered to current and prospective staff, students, parents and guardians. It provides details of their purpose and a foundation for the school boarding services planning decisions and performance reviews.

The philosophy statement could be contained in the provider's constitution, prospectus, handbook, strategic plan or business plan, or on the website.

Regulatory context

The provider of school boarding services at a registered school boarding premises must publish a clear statement of its philosophy and be able to demonstrate how that philosophy is enacted.

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

Information on performance of school boarding premises

The provider of school boarding services at a registered school boarding premises must monitor and report to the community of the school boarding premises on its performance as outlined in the ETR Regulations.

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Information about school performance* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises. In particular, registered schools can include performance information about the school boarding premises in the annual report prepared for the registered school.

Evidence requirements

There must be evidence that the provider of school boarding services makes available to the community of the school boarding premises information concerning the performance of the premises at least once a year. The information must include:

* a report of the financial activities of the school boarding premises
* copies of any other reports that the provider of school boarding services at the registered school boarding premises is required to prepare for the community of the school boarding premises under any funding agreements with the State or the Commonwealth.

Explanatory notes

If the provider of school boarding services at a registered school boarding premises receives government funding in respect of the services provided to students boarding at the premises or for the construction, maintenance or improvement of the premises, the applicable funding agreement might require certain information to be provided to the community. This information must also be included in the annual report to the community required by this standard.

Regulatory context

(1) The provider of school boarding services at a registered school boarding premises must make available to the community of the school boarding premises information concerning the performance of the premises at least once a year.

(2) The information must include—

(a) a report of the financial activities of the school boarding premises; and

(b) copies of any other reports that the provider of school boarding services at the registered school boarding premises is required to prepare for the community of the school boarding premises under any funding agreements with the State or the Commonwealth.

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

Provider of school boarding services must comply with the Act and ETR Regulations

The provider of school boarding services at a registered school boarding premises must comply with the requirements of the Act and the ETR Regulations.

Evidence requirements

There must be evidence of compliance with the requirements of the Act (including applicable Ministerial Orders) and the ETR Regulations.

Explanatory notes

After the school boarding premises is registered, the provider must ensure its compliance with the Act (including applicable Ministerial Orders) and the ETR Regulations. This includes providing timely information to the VRQA in accordance with the ETR Regulations to update particulars or meet notifiable disclosure requirements, and following the prescribed process for amending the registration of the school boarding premises.

Regulatory context

The provider of school boarding services at a registered school boarding premises must comply with the requirements of the Act and these Regulations.

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

Provider of school boarding services must comply with conditions of registration

The provider of school boarding services at a registered school boarding premises must comply with any condition imposed on the registration of the premises in accordance with section 4.3.8D or 4.3.8E of the Act. The conditions of registration require participation by the provider and any person involved in the management or operation of the premises in a review or evaluation by the VRQA and, for non-government school boarding premises, the VRQA’s monitoring and assessment of the provider’s financial viability.

Regulatory context

The provider of school boarding services at a registered school boarding premises must comply with any condition imposed on the registration of the premises by or under the Act.

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

Provider of school boarding services must have policies, procedures and suitable arrangements in place

The provider of school boarding services at a registered school boarding premises must have policies and procedures in place that enable it to ensure that the premises and those services comply with the prescribed minimum standards for registration of school boarding premises.

A provider of school boarding services at a registered school boarding premises must have suitable arrangements in place to enable it to comply with any applicable guidelines issued by the Authority under section 4.3.8Z of the Act.

For schools ▼

There is **significant** alignment between this requirement and the minimum standards for registration of schools (Schedule 4 clause 21 of the ETR Regulations).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

Evidence requirements

There must be evidence of the provider’s policies and procedures as required by the minimum standards for registration, and evidence of the provider’s internal governance arrangements for:

* 1. maintaining, reviewing, or communicating its policies and procedures as required by or under the Act, including these Guidelines
  2. managing the delivery of services in accordance with its policies and procedures (as amended from time to time).

Additional evidentiary requirements for the provider of school boarding services at a registered school boarding premises may be included in other guidelines issued by the Authority, including financial capability, the provision of education to overseas students aged under 18, and bushfire preparedness.

Regulatory context

1. The provider of school boarding services at a registered school boarding premises must have policies and procedures in place that enable it to ensure that the premises and those services comply with the prescribed minimum standards for registration of school boarding premises.
2. A provider of school boarding services at a registered school boarding premises must have suitable arrangements in place to enable it to comply with any applicable guidelines issued by the Authority under section 4.3.8Z of the Act.

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

School boarding services must be provided in accordance with scope of registration

The provider of school boarding services at a registered school boarding premises:

* must provide those services at the school boarding premises
* may provide those services at another place or premises at which the students are participating in a camp or excursion (including outside of Victoria) organised by the provider.

Evidence requirements

There must be evidence that the registered boarding premises is the primary location for the provision of school boarding services to the student.

Where services are provided in other locations, the provider must ensure that the applicable minimum standards of registration continue to be met in respect of those alternative locations.

Explanatory notes

The provider must ensure that the student’s primary place of accommodation is at the registered school boarding premises. However, this does not preclude the provider from organising or conducting overnight excursions or camps for its students that occur at other premises, provided such excursions away from the boarding premises are managed in accordance with the provider’s duty of care, and other applicable standards (including location records, student welfare, and Child Safe Standards).

Regulatory context

The provider of school boarding services at a registered school boarding premises—

1. must provide those services at the school boarding premises; and
2. may provide those services at another place or premises at which the students are participating in a camp or excursion (including outside of Victoria) organised by the provider.

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

Registration of school boarding premises, including amendment of registration

Particulars and information in application for registration

A provider of school boarding services at a registered school boarding premises must present particulars and information in their application to register school boarding premises, services and facilities. For details of information to be provided at registration, please refer to *Appendix 1*.

Evidence requirements

There must be evidence of providing the information listed in *Appendix 1*, as required by Schedule 5A of the ETR Regulations. Any changes to particulars and information or any accompanying documentation as required by Schedule 5A in relation to the application must be notified to the Authority within 14 days.

Explanatory notes

The changes required to be notified concern the information or documentation provided as part of the application for registration, as required by Schedule 5A of the ETR Regulations, and any additional information provided to the Authority as needed to assess the applicant’s compliance with the minimum standards of registration in section 4.3.8C of the the Act and Schedule 4A to the ETR Regulations.

Regulatory context

1. For the purposes of section 4.3.8B(3) of the Act, an application to the Authority for registration of a school boarding premises must—
2. subject to subregulation (2), contain all of the particulars and information listed in Schedule 5A; and
3. subject to subregulation (2), must be accompanied by any documentation referred to in Schedule 4A; and
4. be signed—
5. in the case of a Government school boarding premises, by the Secretary; or
6. in any other case, by the person who proposes to establish and conduct the school boarding premises and provide school boarding services at the premises.
7. If any of the particulars, information or documentation set out in clauses 4, 5, 10(c), 12, and 13(a) of Schedule 5A are not known or available at the time the application is made, the particulars, information or documentation must be provided by the applicant as soon as the particulars, information or documentation are known or become available or before the school boarding premises is registered (whichever occurs first).

Regulation 71D of the Education and Training Reform Regulations 2017

Before a school boarding premises is registered, an applicant must notify the Authority of any change to the particulars or information or any accompanying documentation under regulation 71D(1) provided in relation to the application for registration within 14 days after the relevant change.

Regulation 71E of the Education and Training Reform Regulations 2017

Minimum standards for registration

Unless the Authority has granted an exemption in accordance with Division 1 of Part 5A of the ETR Regulations, for the purposes of section 4.3.8C(1)(b) of the Act, the prescribed minimum standards for registration of school boarding premises are set out in Schedule 4A of the ETR Regulations.

Regulatory context

Subject to this Division, for the purposes of section 4.3.8C(1)(b) of the Act, the prescribed minimum standards for registration of school boarding premises are set out in Schedule 4A.

Regulation 71A of the Education and Training Reform Regulations 2017

Timing of application for registration

The provider of school boarding services at a registered school boarding premises must make an application for registration of a school boarding premises in writing no later than 30 June in the preceding year of intended commencement of operation or any later date determined by the VRQA or unless the VRQA considers that there are special circumstances.

Regulatory context

1. Subject to subregulation (3), for the purposes of section 4.3.8B(3) of the Act, an application for registration of a school boarding premises must be made to the Authority in writing and no later than—
2. 30 June in the year before the year in which the school boarding premises is intended to commence operation; or
3. a later date in the year referred to in paragraph (a) determined by the Authority.
4. The Authority must publish a notice in the Government Gazette of any later date determined by the Authority under subregulation (1)(b) at least 4 weeks before 30 June in the year in which the date applies.
5. The Authority may accept an application submitted after the date specified in subregulation (1) if it is satisfied that it is necessary to do so because of the special circumstances of the case.

Section 6.1.44(1) of the Act provides that a premises that was being conducted as a school boarding premises immediately before 18 June 2021 [the commencement of the *Education and Training Reform Amendment (Regulation of Student Accommodation) Act 2020*] is taken to be a registered school boarding premises for the purposes of the Act.

Regulation 71C of the Education and Training Reform Regulations 2017

Exemption from school boarding premises governance standard

The Authority may exempt a person from particular requirements of the fit and proper person assessment in the governance standard if the Authority is of the opinion that it would not be appropriate to exclude that person from being involved in the conduct of the school boarding premises. The particular requirements that may be the subject of exemption concern past criminal offending, and other adverse findings relating to dishonesty, breach of duty or failure to comply with a legal obligation regarding the delivery of school boarding services (clause 7(5)(b) or (f) of Schedule 4A).

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

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

Regulatory context

1. The Authority may exempt a person from a requirement in clause 7(5)(b) or (f) of Schedule 4A if the Authority is of the opinion that it would not be appropriate to exclude that person from being involved in the conduct of the school boarding premises.
2. For the purposes of subregulation (1), the Authority must have regard to the following matters—
3. the nature and gravity of the particular offence or misconduct, and its relevance to conducting a school boarding premises;
4. the period of time since the person committed the offence or engaged in the misconduct;
5. the punishment imposed for the offence or misconduct;
6. whether or not the offence has been decriminalised or the standards of conduct have materially changed since the person engaged in the conduct that constituted the offence or misconduct;
7. the person's behaviour since the person committed the offence or engaged in the misconduct;
8. any information given by the person to the Authority concerning the person's conduct in relation to the registration of the school boarding premises;
9. any other matter that the Authority considers relevant.
10. A person to whom an exemption under subregulation (1) applies is exempt from the requirements in clause 7(5)(b) or (f) of Schedule 4A in accordance with the terms of that exemption (if any).

Regulation 71B of the Education and Training Reform Regulations 2017

Amending school boarding premises registration

The provider must notify the Authority in writing within 30 days of significant changes affecting school boarding premises including the name and contact details of any person involved in managing the provider, or changes to the affiliations or associations of the registered school boarding premises.

The provider must notify the Authority in writing within 30 days of significant changes affecting school boarding premises including the name and contact details of the provider, or any other change to the information required to be provided to the Authority by the ETR Regulations.

Regulatory context

The provider of school boarding services at a registered school boarding premises must notify the Authority in writing within 30 days after the following:

1. any change to the name or contact details of the provider;
2. any other material change to particulars or information required to be provided to the Authority under these Regulations (other than the particulars or information required by subclause (4)).

Schedule 4A clause 7(3) of the Education and Training Reform Regulations 2017

Amending non-government school boarding premises registration

The provider must notify the Authority in writing within 30 days of significant changes affecting the non-government school boarding premises including:

* the name and contact details of the provider or any person involved in managing the provider
* changes to the affiliations or associations of the registered school boarding premises
* changes to any other information required to be provided to the Authority by the ETR Regulations
* the occurrence of any notifiable disclosure event.

Regulatory context

The provider of school boarding services at a registered non-government school boarding premises must notify the Authority in writing within 30 days after the following information:

1. any change to the name or contact details of each person who is concerned in, or takes part in, the management of the provider;
2. any change to the religious or other affiliation or association of the school boarding premises, including with a registered school;
3. the occurrence of a notifiable disclosure event.

Schedule 4A clause 7(4) of the Education and Training Reform Regulations 2017

Other requirements for school boarding premises registration

Reporting to the VRQA

A provider of school boarding services at a registered school boarding premises, upon request, must provide the VRQA with the information it needs to carry out its responsibilities under the Act and ETR Regulations.

Explanatory notes

Once a school boarding premises is registered, the VRQA may require the provider of school boarding services at a registered school boarding premises or review body to provide a report that:

* enables the VRQA to assess whether the school boarding premises is continuing to comply with the minimum standards or other requirements
* informs the VRQA of any changes to a school boarding premises’ details contained in the State Register (including school affiliations)
* contains the information made available by the provider to the community about the performance of the registered school boarding premises (Schedule 4A clause 9)
* provides information about any complaint made about the school’s boarding services and facilities and how the provider responded to the complaint.

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

Regulatory context

(1) For the purposes of section 4.3.8V(1) of the Act, the provider of school boarding services at a registered school boarding premises, or a person or body authorised by the Authority under section 4.3.8V(2) of the Act, must provide to the Authority a report containing the following—

(a) information to show that, and enable the Authority to assess whether, the provider has ensured that the premises and services—

(i) continue to comply with each of the prescribed minimum standards for registration of school boarding premises; and

(ii) comply with any other requirements of the Act or these Regulations;

(b) information to advise the Authority of any changes in the details contained in the State Register relating to the school boarding premises;

(c) at the request of the Authority, a copy of the information made available under clause 9 of Schedule 4A.

(2) For the purposes of section 4.3.8V(1) of the Act, the provider of school boarding services at a registered school boarding premises or a person or body authorised by the Authority under section 4.3.8V(2) of the Act must provide a report to the Authority—

(a) in writing, unless the Authority and the reporter otherwise agree; and

(b) within a reasonable time specified in the request for the report by the Authority.

Regulation 71J of the Education and Training Reform Regulations 2017

Notice of registration of school boarding premises to be displayed

As required by section 4.3.8W of the Act, a provider of school boarding services at a registered school boarding premises must ensure that there is legibly printed or painted in a conspicuous place near the main entrance to the premises:

* the name of the premises
* the name of the provider
* a statement of the fact that the premises is registered.

Appendix 1

Information required for application for registration of a school boarding premises

The provider of school boarding services must present the VRQA with required information in order to register boarding school services and premises.

Evidence requirements

The provider of school boarding services at a registered school boarding premises must furnish the following particulars, information and documents:

1. The name of the school boarding premises.
2. The address of the school boarding premises.
3. The date of the proposed commencement of operation of the school boarding premises.
4. The age range and number of students to be accepted at the school boarding premises (see note 1).
5. The names and total number of staff and the qualifications of each member of staff of the provider of school boarding services at the school boarding premises (see note 1).
6. The physical facilities (buildings, facilities and grounds) to be provided at the school boarding premises.
7. Any religious or other affiliation or association of the school boarding premises, including with a registered school (note: other affiliations might include linguistic or other kinds of cultural or community affiliations).
8. Whether the school boarding premises will be associated with one of the following types of school—
9. a primary school
10. a secondary school
11. a co-educational school
12. a single-sex school
13. a specific purpose school
14. a specialist school.
15. In the case of 2 or more registered school boarding premises proposing to amalgamate, the names and addresses of those premises.
16. In the case of a non-government school boarding premises—
17. the full name, postal address, telephone number, and facsimile number or email address of the provider of the school boarding services at the premises
18. if the provider is an incorporated body, the ABN or ACN (see note 2)
19. the full name, postal address, telephone number, and facsimile number or email address of the chair of the governing body of the provider of school boarding services at the school boarding premises (if applicable) (see note 3).
20. Details of the following matters—
21. the policies of the provider of school boarding services at the school boarding premises relating to compliance with the prescribed minimum standards for registration of school boarding premises
22. the philosophy of the provider of school boarding services at the school boarding premises
23. the business plan that relates to the school boarding premises
24. the governance structure of the provider of school boarding services at the school boarding premises, including its constitution or articles of association (however described)
25. the contact person for the application and that person's contact details.
26. The full name, postal address, telephone number, and facsimile number or email address of the chief executive officer (by whatever name called) of the provider of school boarding services at the school boarding premises (if applicable) (see note 3).
27. Documents accompanying the application that—
28. show that the buildings, facilities and grounds of the school boarding premises comply with relevant statutory requirements (see note 4)
29. enable the Authority to assess whether the provider of school boarding services at the school boarding premises is capable of ensuring that the premises and those services meet the prescribed minimum standards for registration of school boarding premises
30. show the policies of the provider of school boarding services at the school boarding premises in relation to student behaviour including policies for student discipline (see note 5).

Notes

1. Under regulation 71D(2), if the details required under clauses 4 and 5 are not available at the time of the application, the details must be provided by the applicant when they are known or before the school boarding premises is registered.
2. In the case of a government school boarding premises, the State of Victoria will be registered as the provider of school boarding services unless otherwise stated.
3. Under regulation 71D(2), if the details required under clauses 10(c) and 12 are not available at the time of the application, the details must be provided by the applicant once the details are known and, in the case of the chair of the governing body of the provider of school boarding services and chief executive officer (by whatever name called) of the provider, before the school boarding premises is registered.
4. Under regulation 71D(2), if the documentation required under clause 13(a) is not available at the time of the application, it must be provided when available or at the latest before the school boarding premises is registered.
5. In accordance with section 4.3.8C(1)(a) of the Act, these policies must be based upon principles of procedural fairness and not permit the use of corporal punishment.

Appendix 2

Additional minimum standards for government school boarding premises

Student engagement policy

A provider of school boarding services at a government school boarding premises must develop a policy for student engagement for the students boarding at the premises.

The provider must develop the policy in consultation with, and have regard to the rights and responsibilities of, students boarding at the premises, parents of students, and staff of the provider in developing the policy.

Evidence requirements

There must be evidence of:

* the provider’s student engagement policy
* adequate consultation by the provider when developing the policy.

Regulatory context

(1) A provider of school boarding services at a Government school boarding premises must develop a policy for student engagement for the students boarding at the premises.

(2) The provider must develop the policy in consultation with, and have regard to the rights and responsibilities of, students boarding at the premises, parents of students and staff of the provider in developing the policy.

Regulation 26A of the Education and Training Reform Regulations 2017

Implementation of student engagement policy

1. The provider of school boarding services at a government school boarding premises—
2. is responsible for implementing the student engagement policy of the school boarding premises
3. is responsible for determining the nature and extent of the consequences imposed on students boarding at the premises for failure to comply with that policy.
4. The provider of school boarding services at a government school boarding premises must ensure that—
5. any consequences that may be imposed on students boarding at the premises in accordance with the student engagement policy are reasonable
6. the student engagement policy is brought to the attention of the students boarding at the premises, their parents and staff of the provider.
7. The provider of school boarding services at a government school boarding premises must ensure that the student engagement policy is consistent with—
8. the ETR Regulations
9. any guidelines issued by the Minister under section 4.3.8Z of the Act relating to student engagement.

Evidence requirements

There must be evidence of:

* implementation of the provider’s student engagement policy at the registered school boarding premises
* procedures and practices used by the provider to address student non-compliance with the policy that are in accordance with the requirements of the Act, the ETR Regulations, and any applicable Ministerial Order or guidelines regarding student engagement or management of student behaviour including discipline.

Regulatory context

(1) The provider of school boarding services at a Government school boarding premises—

(a) is responsible for implementing the student engagement policy of the school boarding premises; and

(b) is responsible for determining the nature and extent of the consequences imposed on students boarding at the premises for failure to comply with that policy.

(2) The provider of school boarding services at a Government school boarding premises must ensure that—

(a) any consequences that may be imposed on students boarding at the premises in accordance with the student engagement policy are reasonable; and

(b) the student engagement policy is brought to the attention of the students boarding at the premises, their parents and staff of the provider.

(3) The provider of school boarding services at a Government school boarding premises must ensure that the student engagement policy is consistent with—

(a) these Regulations; and

(b) any guidelines issued by the Minister relating to student engagement.

Regulation 26D of the Education and Training Reform Regulations 2017

Corporal punishment not permitted

A member of staff of the provider of school boarding services at a government school boarding premises must not administer corporal punishment to any student who is boarding at the premises. Please refer to *Care, safety and welfare of students* and note 4, *Appendix 1* in these Guidelines.

Regulatory context

Corporal punishment not permitted­—

A member of staff of the provider of school boarding services at a Government school boarding premises must not administer corporal punishment to any student who is boarding at the premises.

The Authority must not register a school boarding premises unless the Authority is satisfied that—

* + 1. the policies of the provider of school boarding services at the premises relating to the discipline of students who are boarding at the premises are based on principles of procedural fairness and do not permit corporal punishment.

Regulation 26B of the Education and Training Reform Regulations 2017

Section 4.3.8C(1)(a) of the *Education and Training Reform Act 2006*

Restraint from danger

A member of staff of the provider of school boarding services at a government school boarding premises may take any reasonable action that is immediately required to restrain a student boarding at the premises from acts or behaviour that are dangerous to the member of staff, the student, or any other person.

Regulatory context

A member of staff of the provider of school boarding services at a Government school boarding premises may take any reasonable action that is immediately required to restrain a student boarding at the premises from acts or behaviour that are dangerous to the member of staff, the student, or any other person.

Regulation 26C of the Education and Training Reform Regulations 2017

Appendix 3

Definitions

Unless otherwise stated, words or phrases in these Guidelines have the following meaning:

**Accommodation services**– services that include meal, laundry and cleaning services.

**Entity**–includes a trust.

**Governing body** –in relation to a government school boarding premises, the school council constituted in relation to the government school at which the students boarding at the school boarding premises are enrolled or attending; or in relation to a non-government school boarding premises, the person or body responsible for the governance or management of the provider of school boarding services at the premises.

**Government school boarding premises** – a school boarding premises at which school boarding services are provided by or on behalf of a government school.

**Mandatory reporting, failure to disclose, failure to protect and grooming** –

* the **mandatory reporting obligation** is set out in Part 4.4 of the *Children, Youth and Families Act 2005*. Section 184 imposes an obligation on teachers, principals and other persons listed in section 182 to make a mandatory report if they form a belief on reasonable grounds that a child is in need of protection on the grounds that the child has suffered, or is likely to suffer, significant harm because of physical injury or sexual abuse, and the child's parents have not protected, or are unlikely to protect, the child from harm of that type
* the **failure to disclose offence** requires any adult (subject to specific exemptions) who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 to report that information to police. Failure to disclose the information to police is a criminal offence. Further information can be obtained at:
* [www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence](http://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence)

the **failure to protect offence** applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a school will become a victim of a sexual offence committed by an adult associated with that school. A person in a position of authority in the school will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. Organisations other than schools are also covered by the offence. Further information is available at:

* [www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to](https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to)
* the **offence of grooming for sexual conduct with a child under the age of 16** is found in section 49M of the *Crimes Act 1958*. That section provides:
  + 1. A person (A) commits an offence if—
       - 1. A is 18 years of age or more; and
         2. A communicates, by words or conduct (whether or not a response is made to the communication), with—

another person (B) who is a child under the age of 16 years; or

another person (C) under whose care, supervision or authority B is; and

* + - * 1. A intends that the communication facilitate B engaging or being involved in the commission of a sexual offence by A or by another person who is 18 years of age or more.
    1. A person who commits an offence against subsection (1) is liable to level 5 imprisonment (10 years maximum).
    2. A does not intend to facilitate B engaging or being involved in the commission of a sexual offence by A or by another person who is 18 years of age or more if, were the conduct constituting the sexual offence to occur, A or the other person would satisfy an exception, or have a defence, to that sexual offence.
    3. It is immaterial that some or all of the conduct constituting an offence against subsection (1) occurred outside Victoria, so long as B or C was, or B and C were, in Victoria at the time at which that conduct occurred.
    4. It is immaterial that B or C was, or B and C were, outside Victoria at the time at which some or all of the conduct constituting an offence against subsection (1) occurred, so long as A was in Victoria at the time that conduct occurred.
    5. It is immaterial that A, B and C were all outside Victoria at the time at which some or all of the conduct constituting an offence against subsection (1) occurred, so long as A intended that the sexual offence would occur in Victoria.
    6. In this section—

***communication*** includes an electronic communication within the meaning of the *Electronic Transactions (Victoria) Act 2000*;

***sexual offence*** means—

* + - * 1. an offence against a provision of Subdivision (8A), this Subdivision (other than section 49K(1) or this section), (8C), (8D), (8E), (8F) or (8FA); or
        2. an attempt to commit an offence covered by paragraph (a); or
        3. an assault with intent to commit an offence referred to in paragraph (a).

**Non-government school boarding premises**– a school boarding premises other than a government school boarding premises, including premises at which school boarding services are provided by or on behalf of a non-government school or by a person that is not a school.

**Overseas student** – a person holding a visa under the *Migration Act 1958* of the Commonwealth which allows the person, whether expressly or otherwise, to study in Victoria.

**Philosophy** –in relation to a school or school boarding premises, includes the vision, mission and objective of the school or school boarding premises.

**Prescribed minimum standards for registration of school boarding premises** – the minimum standards prescribed by the regulations under section 4.3.8C(1)(b) of the Act or prescribed by section 4.3.8C(2) of the Act relating to school boarding premises and the school boarding services provided at those premises.

**Provider of school boarding services** – a person who conducts a school boarding premises including the provision of school boarding services at the premises.

**Registered school boarding premises** – a school boarding premises registered under Division 1A of Part 4.3 of the Act.

**Responsible person** in relation to a school boarding premises–

1. if the provider of school boarding services at the premises is an individual, that person; or
2. if the provider of school boarding services at the premises is a body corporate, that body corporate and any person who is concerned in, or takes part in, the management of the body corporate; or
3. each person with responsibility in the governance structure of the provider of school boarding services at the premises for managing the provider or its finances, including each member of the governing body of the provider; or
4. any other person who by the person's conduct assumes a position of authority over the governance or management of the provider of school boarding services at the premises.

**School boarding premises** – a premises at which school boarding services are provided or intended to be provided by a person for a fee or reward but does not include any of the following premises:

(a) a premises at which accommodation services are provided under homestay arrangements by a person who resides at the premises to no more than 3 students who are enrolled at or attend or intend to enrol at or attend a registered school

(b) a premises or place at which camping facilities, including accommodation services, are provided on a short-term basis to students of a registered school who are required by the school to attend the premises or place as part of instruction in a key learning area or an extracurricular activity of the school

(c) a premises that is prescribed not to be a school boarding premises

(d) a premises at which accommodation services are provided by a prescribed person or body.

Premises will not fall within the definition of school boarding premises if the accommodation services provided at the premises are not provided for the primary purpose of enabling or facilitating a person to enrol at or attend a registered school. Examples of accommodation services that are not provided primarily for that purpose include the following:

(a) accommodation services provided by a parent (see the wide definition of parent in section 1.1.3(1) of the Act)

(b) accommodation services provided at a youth justice centre or a youth residential centre within the meaning of the *Children, Youth and Families Act 2005*

(c) accommodation services that are provided as part of respite care within the meaning of the *Aged Care Act 1997* of the Commonwealth

(d) accommodation services that are facilitated, provided or regulated by the Department of Health and Human Services including the following:

(i) out of home care services or secure welfare services within the meaning of the *Children, Youth and Families Act 2005*;

(ii) accommodation provided at an NDIS dwelling within the meaning of the *Disability Act 2006*;

(iii) accommodation that is a residential service within the meaning of the *Disability Act 2006*;

(iv) accommodation services provided at a residential care service within the meaning of the *Health   
Services Act 1988*.

**School boarding services** – accommodation services provided for the primary purpose of enabling or facilitating a person to enrol at or attend a registered school.

**Staff** – in relation to a government school boarding premises, the staff employed by the provider of the school boarding services at the premises and other staff.

**Student** – in Division 1A of Part 4.3 of the Act means a person who is enrolled at or who attends a registered school or who intends to enrol at or attend a registered school.

**Student engagement policy** – in relation to a government school boarding premises, a policy setting out the expectations and aspirations of the provider of school boarding services at the premises in relation to student behaviour, including discipline and strategies to address bullying.

Appendix 4

Abbreviations and acronyms

**CECV** – Catholic Education Commission of Victoria Ltd

**Cwth** – Commonwealth

**DET** – Victorian Department of Education and Training

**ETR Act** – *Education and Training Reform Act 2006*

**ETR Regulations** – Education and Training Reform Regulations 2017

**NDIS** – National Disability Insurance Scheme

**VIT** – Victorian Institute of Teaching

**VRQA** – Victorian Registration and Qualifications Authority