



# Guidelines

## Minimum standards for school registration

These guidelines apply to all schools from 1 January 2027.

The *Education and Training Reform Act 2006* (the Act) and the Education and Training Reform Regulations 2017 (the Regulations) prescribe the minimum standards that schools in all sectors must comply with.

The Victorian Registration and Qualifications Authority (VRQA) issues guidelines that form part of the legal framework for the registration and regulation of schools. They detail the evidence required to demonstrate that a new school application or a registered school complies with the minimum standards under the Act and the Regulations.

There are 5 guidelines that apply to all schools:

- Guideline 1: Governance
- Guideline 2: Student attendance and learning
- Guideline 3: Student care, safety and welfare
- Guideline 4: School staff
- Guideline 5: School infrastructure and performance

One guideline applies only to schools that deliver or apply to deliver an accredited senior or foundation secondary course:

- Guideline 6: Senior and foundation secondary

References to the Act, Regulations or Ministerial Orders are as at the date of publication. From time to time, there may be amendments to the Act, Regulations or Ministerial Orders. It is the responsibility of registered schools or new school applicants to ensure they are compliant with the current version of the Act, Regulations and Ministerial Orders.

### Key to using guidelines

To help you navigate these guidelines visual markers are used.

Marker	Indicates:
	the evidence required
<b>*</b> <b>New school</b>	evidence required when applying to register a new school
<b>▲</b> <b>Review school</b>	evidence required for all registered schools
<b>●</b> <b>Gov school</b>	applies to government schools only
<b>bold text</b>	a term defined in Appendix 1 of these guidelines



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# About the guidelines

## Where the guidelines apply

Guidelines 1–5 apply to all new school applications and registered schools.

Guideline 6 is for schools delivering or applying to deliver accredited senior or foundation secondary courses:

- Victorian Certificate of Education (VCE) including the Vocational Major (VCE VM)
- International Baccalaureate (IB) Diploma Programme
- Victorian Pathways Certificate (VPC).

## About evidence requirements in the guidelines

The guidelines describe the evidence a registered school or a new school applicant must have to demonstrate compliance with the minimum standards for registration. They do not detail all the evidence that a school may have to provide. The VRQA may request additional evidence to satisfy itself that a registered school or a new school application is compliant. This evidence can be in addition to, or different from, those listed in the guidelines. The VRQA will also obtain information from other regulators and government agencies about the school's compliance.

The guidelines provide information about whether a policy, procedure or other documentary evidence is required. In addition, the explanatory notes provide guidance and examples about what compliance looks like.

All registered schools must comply with the minimum standards. However, the VRQA understands that all schools have different philosophies, faiths, operating contexts and student cohorts. Different or additional evidence may be used to demonstrate compliance with the minimum standards.

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**Regulatory context:** Section 4.3.1(5) of the *Education and Training Reform Act 2006*

## About school registration

### Applying to register a new school

In Victoria, a school must be registered as one or more of the following types:

- primary school
- secondary school
- co-educational school
- single-sex school
- specific purpose school (for example, schools in hospitals or youth justice facilities)
- specialist school (a school that caters mainly for students with disabilities or with social, emotional or behavioural difficulties).

A school wanting to deliver a program online, or a combination of online and in person, must be an existing school and is required to submit an application to register an online or hybrid campus.

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**Regulatory context:** Schedule 5 clause 10 of the *Education and Training Reform Regulations 2017*

An organisation applying to register a new independent school must use the *Application to Register an Independent School* form available at: [vrqa.vic.gov.au/register-an-independent-school](http://vrqa.vic.gov.au/register-an-independent-school).

The VRQA does not directly accept applications from Catholic or government schools. For advice, application forms and procedures:

- Catholic schools contact the Victorian Catholic Education Authority (VCEA)
- government schools contact the Department of Education (the department).

## About school reviews

### Cyclical reviews

Cyclical reviews of registered schools are required every 5 years, but the VRQA or a review body can review a school at any time and may decide to review any school more frequently. It is a condition of registration that a school and its staff participate in a review.

### Reviews bodies

One way the VRQA assures registered schools continue to meet the minimum standards is through VRQA-approved review bodies. Review bodies are responsible for the ongoing assurance and compliance of their schools and school boarding premises with the minimum standards. The VRQA has approved the VCEA and the department as review bodies for Catholic and government schools. However, the VRQA may review a Catholic or government school at any time.

### What to expect if the VRQA is conducting a cyclical review?

The VRQA notifies schools in advance if their cyclical review will take place the following year. The VRQA holds information sessions to assist schools to prepare for their cyclical review. The VRQA will publish any minimum standards that it intends to focus on that year. These guidelines should be used to assist schools in preparing evidence for their review.

A cyclical review will often involve the school giving the VRQA documents and other evidence for assessment and the VRQA visiting the school. Following this, if any non-compliances are identified the VRQA will notify the school of these non-compliances and the evidence required to demonstrate compliance. The VRQA will also offer to meet with the school to clarify and provide guidance about what is required. The VRQA will close the review once a school has achieved full compliance with the minimum standards or provided the VRQA with assurance that it will achieve compliance.

## Outcome of applications and reviews

The VRQA will advise all applicants and schools of the outcome of their review or application. The Victorian Civil and Administrative Tribunal can review certain decisions made by the VRQA about a school's registration. There is more information about this on the VRQA website: [vrqa.vic.gov.au/understand-independent-school-reviews](http://vrqa.vic.gov.au/understand-independent-school-reviews)

## About registration requirements in the Act and Regulations

### Foundation–Year 10

Schools providing Foundation–Year 10 must meet the minimum standards set out in Schedule 4 of the Regulations. The VRQA must not register a school unless it meets the minimum standards and other requirements in Schedule 4. This includes the Child Safe Standards.

### Schools offering accredited senior or foundation secondary courses

Schools delivering the VCE, VPC or the IB Diploma Programme, or any part of those courses, must meet additional minimum standards. These are set out in Schedule 8 of the Regulations and other requirements in section 4.3.11 of the Act.

The VRQA will not register a school to provide these courses if it does not meet the minimum standards for registration to provide an accredited senior or foundation secondary course.

Schools must also have the relevant awarding body's authorisation to deliver their courses:

- Victorian Curriculum and Assessment Authority (VCAA) to deliver the VCE and VPC
- International Baccalaureate Organisation (IBO) to deliver the IB Diploma Programme.

The VRQA cannot register a school to provide a senior or foundation secondary courses unless it first has authorisation from the relevant awarding body to deliver that course.

## Use of third-party providers to deliver courses or programs

Schools can engage a third-party provider to deliver vocational education and training (VET) as part of their senior or foundation secondary courses.

Third-party providers can be:

- another school registered with the VRQA
- a TAFE or registered training organisation (RTO) registered with the VRQA, the Australian Skills Quality Authority or the Western Australian Training Accreditation Council.

## Courses for overseas students

Schools enrolling overseas students must meet the requirements in Part 4.5 of the Act and the *Education Services for Overseas Students Act 2000* (Cth) (ESOS Act). These laws impose additional requirements on schools that offer courses to overseas students.

Schools must apply to the VRQA for registration on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) before enrolling overseas students. If approved, the VRQA will recommend to the Commonwealth Government (the decision-maker) that they are registered on the CRICOS.

Schools offering courses to overseas students must meet additional VRQA guidelines and standards available at: [vrqa.vic.gov.au/overseas-students](http://vrqa.vic.gov.au/overseas-students)

## School boarding premises

Schools offering school boarding services at a **school boarding premises** must meet the requirements in Division 1A of Part 4.3 of the Act, and Part 5A and Schedule 4A of the Regulations.

**School boarding premises** must be registered with the VRQA and meet additional guidelines and standards available at: [vrqa.vic.gov.au/standards-and-guidelines-school-boarding-premises](http://vrqa.vic.gov.au/standards-and-guidelines-school-boarding-premises)

See also Guideline 1.2 – Governance structure and school finances.

## Complaints about compliance

The VRQA must investigate a complaint:

- alleging a breach of obligations by a school in relation to the democratic principles (section 1.2.1(a), (c), (e) and (f) of the Act, see also Guideline 1.1 – Democratic principles)
- about the availability of information about the school's performance
- about the right of a parent or student to access information about the student's achievement (Regulations 97–99, see also Guideline 5.5 – Information about school performance).

## Investigating complaints

The VRQA also has the power to investigate complaints alleging a breach of the minimum standards (section 4.2.3 of the Act).

A complaint must first be raised with the school. If unresolved, complaints about:

- government schools are investigated by the department
- Catholic schools are investigated by the VCEA
- independent schools are investigated by the VRQA.

Some complaints may result in the VRQA undertaking a review of the school's compliance with the minimum standards.

More information on the VRQA complaints policy and procedures is available at: [vrqa.vic.gov.au/make-complaint](http://vrqa.vic.gov.au/make-complaint)



# Guideline 1: Governance

## 1.1 Democratic principles

A registered school's programs and teaching must be consistent with the principles of Australian democracy, including a commitment to:

- elected government
- the rule of law
- equal rights for all before the law
- freedom of religion
- freedom of speech and association
- the values of openness and tolerance.

### Evidence requirement

▲* Any school	a. A publicly available statement that the school supports and promotes the principles and practice of Australian democracy.
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**Regulatory context:** Schedule 4 clause 1 of the Education and Training Reform Regulations 2017

### Explanatory notes

The VRQA will consider a school's statement to be publicly available if it is:

- in the school's constitution, prospectus, handbook, statement of values or statement about its philosophy; and
- on the school's website or otherwise made publicly available (for example, at the school's office or on request by a parent or carer).

The school's statement must cover all of the principles of Australian democracy. A school's programs and teaching must also support and promote the principles of Australian democracy. If the VRQA has concerns a school's programs and teaching is not supporting and promoting the principles of Australian democracy, a school may be required to provide evidence including curriculum plans, lesson plans, learning materials and student work.

This standard is not intended to affect the rights afforded or obligations imposed under State or Commonwealth laws. For example, the *Equal Opportunity Act 2010* allows a school to operate for students of a particular sex, race, religious belief, age or age group. This means a school with a particular religious denomination or group of denominations can preference enrolment of children with that religious denomination.

## 1.2 Governance structure and school finances

The proprietor must structure the governance of a school to effectively manage the school's finances, develop its strategic direction and fulfil its legal obligations.

## Evidence requirements

<p>▲* Any school</p>	<p>a. If the proprietor is a company or incorporated association:</p> <ol style="list-style-type: none"> <li>i. the approved constitution or rules of association</li> <li>ii. details of the directors and other officeholders of the company or incorporated association, including information about each person's experience and expertise</li> <li>iii. register of the member(s)</li> <li>iv. the most recent financial statement audited by a <b>registered auditor</b>.</li> </ol> <p>b. A diagram of the school governance structure identifying the <b>proprietor</b>, the school governing body, committees/subcommittees and any <b>related entity</b> or <b>affiliated entity</b>.</p> <p>c. Copies of all delegations from the governing body.</p> <p>d. A conflict of interest policy and a conflict of interest register which covers all <b>responsible persons</b> and a plan detailing how any conflict of interest or duty will be managed.</p> <p>e. The school's strategic plan.</p> <p>f. The school's business plan as validated by an independent <b>qualified accountant</b> that includes:</p> <ol style="list-style-type: none"> <li>i. enrolment estimates and assumptions</li> <li>ii. the Capacity to Contribute (CTC) score for the school, or an estimate of it for applicants (Note: CTC does not apply to non-government <b>specialist assistance, special or majority Aboriginal and Torres Strait Islander schools</b>.)</li> <li>iii. estimated State and Commonwealth recurrent funding</li> <li>iv. estimated State and Commonwealth grant funding</li> <li>v. 5-year financial forecasts.</li> </ol>
<p>▲ Review school</p>	<p>h. The last 12 months of the school governing authorities meeting agendas and minutes.</p>
<p>* New school</p>	<p>i. Evidence of registration as a charity with the Australian Charities and Not-for-profits Commission.</p>
<p>● Gov school</p>	<p>j. The Act, Regulations and relevant Ministerial Orders define the role and responsibilities of a government school, including the role of the school council.</p>

**Regulatory context:** Schedule 4 clause 15(1) of the Education and Training Reform Regulations 2017

## Explanatory notes

Good governance is critical to ensuring schools comply with the minimum standards and the foundation for providing students with high quality education and safety. It means that:

- the composition of the governing body is consistent with the school's constitution or rules (for example, there are the required minimum and maximum number of directors)
- there must be a majority of independent directors on the governing body
- the governing body has effective and appropriate oversight of the school, this includes receiving regular reports on the school's finances, operations, and child safety incidents
- the governing body meets its obligations under *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)
- the constitution or rules and governance structure are appropriate for a registered school, enable the governing body to comply with all of the minimum standards and make decisions in the best interests of the school
- the members of the governing body have appropriate skills and expertise (for example, financial, governance, legal, risk, child safeguarding, education) or the governing body obtains independent expert advice as appropriate.

All applicants for school registration and registered schools must be charities registered with the Australian Charities and Not-for-profits Commission.

### Constitution or rules

The constitution or rules must be consistent with operating a registered school. For example, contain words to the effect that the company or association is established for the charitable purpose of:

- providing education to school aged children
- governing and operating schools
- providing students with education consistent with a religion, faith or similar.

Some existing schools may operate within an entity that provides other charitable services. These schools must ensure that the entity's other services and operations do not cause the school to breach the minimum standards.

For applicants, it is preferable to establish a special purpose company limited by guarantee whose sole object is delivery of education to school aged children and, if appropriate and certain requirements are met, early childhood care and education (see Guideline 1.3 – Not-for-profit status for further information about early learning centres). This will make it more straightforward to demonstrate compliance with the governance and other minimum standards.

If the objects or purpose of the constitution or rules contain broader charitable purposes other than operating a school, the constitution or rules must make clear that all income and property received by the school or the proprietor of the school must:

- only be used for the conduct of the school
- otherwise make clear all income and property must not be used in any way which results in the school ceasing to operate on a not-for-profit basis for the purposes of the Act or Regulations.

If the constitution or rules contains clauses about management of conflict of interest, these must be consistent with the not-for-profit requirement that schools 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 (clause 17(2), schedule 4 of the Regulations). See 'Conflict of interest policy and register' for further information.

### Delegations

The role of the governing body is to govern the school and make strategic decisions about its operations. A school's governing body will typically delegate its powers in relation to the day-to-day management of the school to the principal and other employees. Schools must have written delegations. This may take the form of documents such as a delegation matrix or instruments of delegation. Schools must ensure any delegations from the governing body to employees or committees/subcommittees are consistent with their constitution or rules.

The delegations document must clearly outline the financial and non-financial delegations from the governing body to school employees. Delegations should enable the principal and other school staff (where applicable) to effectively:

- manage the day-to-day operations of the school
- maintain accountability to the board or governing body through reporting
- manage risk through limitations on the exercise of delegations.

Written delegations documents should specify:

- financial delegations, including:
  - purchasing goods and services, payroll, payment of invoices and whether the principal or other employees have the power to enter into contracts on behalf of the school
- non-financial delegations, including:
  - including recruitment and termination of school staff, human resources, enrolment decisions, complaints management, curriculum, head of entity for the purposes of the reportable conduct scheme and responsibility for conducting or overseeing investigations of reportable conduct or other child safety or conduct matters

- any limitations on the delegation, including:
  - limits on expenditure or the amount and type of contracts the principal or other delegate can enter into (for example, operational expenditure versus capital expenditure, that purchases or payments can only be within the governing body approved budget or up to a fixed amount)
- whether the delegate has the power of delegation, also known as sub-delegation, for example:
  - the principal has the power to hire and supervise staff and in relation to some or all positions, this can be delegated to another employee such as a business manager or deputy/assistant principal
- reporting requirements, including:
  - when and how the principal is required to report to the governing body on the exercise of the delegations, (for example, in writing as part of a principal's report to the next board meeting or immediately report to the chair about critical incidents including child safety incidents)
- escalation and reserve powers of the board, including:
  - governing bodies often use a delegation matrix to document decisions that are reserved for the board. If a school is not using a delegation matrix, instruments of delegation or other documents demonstrating the powers delegated to the principal or other staff should include details of the circumstances or limitations which require a decision to be made by the board rather than the principal (for example, a high risk or novel decision)
- conflict of interest, including:
  - if the delegate has a conflict of interest or duty, they should not exercise their delegated power. For example, if the principal has been delegated the power to hire staff or contractors and an applicant for a role is the principal's relative or friend, the school's conflict of interest policy should indicate if the deputy/assistant principal or business manager or similar is responsible for making the decision.

**Note:** Some constitutions or rules do not permit delegation by the delegate (sub-delegation) and governing bodies cannot delegate their obligations under Ministerial Order No. 1359.

### Conflicts of interest policy and register

Schools must have a conflict of interest policy or procedure and maintain a conflict of interest register. The policy or procedure should provide clear advice to **responsible persons** including directors about what they must do if they have a conflict of interest or duty.

The conflict of interest policy or procedure must include the requirement to:

- declare any conflicts of interest or duty
- record conflicts of interest or duty in the conflict of interest register (and in board minutes if required)
- prohibit conflicted directors from being present and voting about matters on which they have a conflict of interest or duty
- prohibit other conflicted **responsible persons** (such as the principal or business manager) from making decisions where they have a conflict of interest or duty. This includes in relation to managing or investigating complaints or concerns, including about child safety.

The conflict of interest register must:

- record the conflicts of interest or duty of all **responsible persons**
- provide details of how all conflicts of interest or duty will be managed.

Schools may choose to record details of how conflicts are managed in a separate document such as a conflict of interest or duty management plan.

Management of conflict of interest or duty must be consistent with the school's conflict of interest policy or procedure. Schools should also ensure governing body meeting minutes accurately record that conflict of interest or duty is being managed. For example, record that a director with a conflict of interest left the room and did not vote on the decision.

**Note:** Schools cannot rely solely on the Australian Charities and Not-for-profits Commission's model conflict of interest policy or sections 191 and 192 of the *Corporations Act 2001*. Schools are not businesses or for-profit corporations, so neither is sufficient to meet the minimum standards. This is because:

- not-for-profit requirements in the Regulations mean that conflicted directors must always recuse themselves from decision-making where they have a conflict
- obligations under Ministerial Order No. 1359 means if a director or **responsible person** (for example, a principal) is the subject of a complaint or concern or has a conflict (for example, the subject of the complaint or concern is a family member or close friend) they must not manage or investigate the complaint.

### School business plan

The school's business plan must be validated by an independent **qualified accountant** who is not employed by or associated with the school or a **related entity**. This means that they are not involved in preparation of financial statements including audited financial statements. This validation may take the form of a signed statement or letter that confirms the reasonableness of the business plan and validates any underlying assumptions.

The business plan must include all of the matters in Guideline 1.2.f.

### Multi-school proprietors

Proprietors of multiple schools will need to demonstrate the governing body makes decisions in the best interests of each registered school, maintains effective oversight of each school and effectively manages the finances of each school. This includes separation of each school's money and property to ensure ongoing compliance with the not-for-profit requirement. A proprietor of existing non-government schools applying to register a new school will similarly need to demonstrate it meets these and other requirements.

### Schools that operate or intend to operate a school boarding premises

Proprietors of non-government schools which operate or intend to operate a **school boarding premises** must ensure that they address the governance and operation of the boarding premises in the school's governance documents. This means governance documents must specifically reference oversight and operation of the boarding premises. For example, the purpose or objects in the constitution must include operating a boarding premises or providing boarding services and delegations must relate to the boarding premises. The governing body must ensure it has effective oversight of the boarding premises including receiving reports about its operations. This can be demonstrated through minutes, board papers or risk registers. More information about the minimum standards for **school boarding premises** is available at: [vrqa.vic.gov.au/standards-and-guidelines-school-boarding-premises](http://vrqa.vic.gov.au/standards-and-guidelines-school-boarding-premises)

### Schools that operate or intend to operate an early learning centre (ELC)

For non-government schools operating or intending to operate an **early learning centre (ELC)** that is a feeder for enrolments to the school and other requirements (see Guideline 1.3 – Not-for-profit status), the constitution or rules should include objects or purposes relating to the provision of ELC services.

## 1.3 Not-for-profit status

A registered school must be a not-for-profit school and the proprietor of a school must have sufficient controls in place to ensure the school complies with the not-for-profit requirements in Regulation 7.

Not-for-profit has a particular meaning in Regulation 7 and is more rigorous than the not-for-profit requirements for charities under the *Australian Charities and Not-for-profits Commission Act 2012*. This is to ensure that all money and property received by a school and its proprietor are used solely for the **conduct of the school** and the benefit of its students. This applies to both government funding and grants, and private revenue including parent fees, donations and fundraising.

## Evidence requirements

<b>▲*</b> <b>Any school</b>	<ol style="list-style-type: none"><li>a. A statutory declaration confirming the school's not-for-profit status executed by the chair of the school's governing body.</li><li>b. For each agreement or arrangement the school has with a <b>related entity</b> or <b>affiliated entity</b>, the school must provide:<ol style="list-style-type: none"><li>i. a copy of the written agreement, contract or arrangement (including any lease, loan agreements or guarantees for the school's benefit)</li><li>ii. details of the school's relationship with each of the <b>related</b> or <b>affiliated</b> entities covered by the agreement</li><li>iii. evidence that the agreement or arrangement is on commercial or better than commercial terms.</li></ol></li></ol>
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**Regulatory context:** Regulations 7 and 7A and Schedule 4 clause 17 of the Education and Training Reform Regulations 2017

## Explanatory notes

### Not-for-profit requirements

A not-for-profit school must satisfy all the requirements in the Regulations, including that:

- the school is not established for the purpose of generating profit or gain for the proprietor, another person, or entity
- all money and property received by the school or the proprietor of the school are only applied toward the **conduct of the school** and are not used for any other purpose
- the school and its proprietor are not a party to a **prohibited agreement or arrangement**.

A school that generates a profit or gain will still be compliant. The prohibition is on that profit or gain being diverted or used for the benefit of the proprietor, or another person or entity. There are exceptions to this rule which allow schools operating ELCs or **school boarding premises** to use private revenue (that is revenue or money other than state and Commonwealth funding and grants) to support its ELC or **school boarding premises** (see 'Schools that operate or intend to operate an ELC and school boarding premises').

### Agreements with any related entity or affiliated entity

Schools must provide copies of all agreements or arrangements they have with a **related entity** or **affiliated entity**. All agreements and arrangements are required to be in writing. Agreements or arrangements with a **related entity** or **affiliated entity** may include:

- administrative, management or financial services
- education services, including where the school contracts with another school, an RTO or any other provider
- leases or licences for land or buildings used by the school
- loans provided to the school for the school's benefit
- school camps.

Schools must ensure that any agreement or arrangement with a **related entity** or **affiliated entity**:

- is on commercial or better than commercial terms
- is at market or better than market rates for leases or licences
- has clear details of the goods or services and the costs of those services
- where multiple services are provided under one agreement, provides each good or service and the costs of each of those items
- is in the best interests of the school, including that the agreement or arrangement allows the school to:
  - understand the nature and extent of the goods or services the school will receive (so that the school can make sure it needs these goods or services, they are consistent with the not-for-profit requirements and are reasonably required for the **conduct of the school**)
  - assess the value of the benefit to the school

- raise disputes or terminate the agreement if it does not get the goods or services it should receive or the quality or price of the goods or services does not meet the contract/agreement requirements, or would result in the school and/or the proprietor breaching the not-for-profit minimum standard
- is not a **prohibited agreement or arrangement**
- does not otherwise breach the not-for-profit requirements.

When the VRQA considers insufficient information has been provided to determine if an agreement is on commercial or better than commercial terms and in the best interests of the school, schools will be required to provide additional information.

### Loans

Schools cannot under any circumstances provide loans, guarantees or securities to another entity or person including a **related entity** or **affiliated entity** (with the exception of securities or guarantees provided to a bank or other licenced lender). This is a **prohibited agreement or arrangement** and a breach of the not-for-profit requirements. Schools identified as having provided a loan will be required to seek immediate repayment of the loan. Schools that have provided guarantees or securities will be required to unwind these arrangements.

### Multi-school proprietors

Some proprietors operate multiple schools in Victoria or in Victoria and interstate. The proprietor and its governing body must ensure decisions are made in the best interests of each school and not the group of schools. Relevant to the not-for-profit requirement, money and assets of one school cannot be used to subsidise or support another school. For example, a more profitable school cannot provide a loan or money to support another school. The property or assets of one school can also not be used as security for a loan that is for the benefit of another school or to establish a new school.

Multi-school proprietors may have schools that are each a separate legal entity or that sit within the same legal entity. The not-for-profit requirements apply equally. Subsidisation or loans are prohibited and cannot be characterised as journaling between the schools (for example, intra-company loans).

Multi-school proprietors may report their finances as a group by consolidating financial statements. Again, this does not permit loans or cross-subsidisation. If the financial statements do not enable the VRQA to determine the financial position of each individual school, or whether money and assets of one school are being used to support another school, or the revenue and expenditure of each school, a multi-school proprietor will be required to provide individual financial statements for each of its schools to demonstrate compliance with the not-for-profit requirements.

Multi-school proprietors may have shared services that are provided across their schools. This must be documented in a service agreement or other written agreement. Sometimes multi-school proprietors will allocate costs across each school. The documented agreement must provide details of the methodology for calculating the allocation to schools and why or how this allocation leads to the school paying fees or costs that are on commercial or better than commercial terms. If this is not apparent from the written agreement, schools will be asked to provide more details of the methodology and costs. Proprietors should not have an agreement that provides a single fee for all services (for example, where the agreement specifies a range of shared services such as human resources, payroll, IT, maintenance and then a single fee per student). This is not sufficient to demonstrate the school is only paying for its share of the cost of the services and the services are being charged at commercial or better than commercial rates. There must also be no levies or 'mark ups'. For example, where the agreement specifies the cost of human resources based on the salaries of 3 of the proprietor's staff, and a 10% cost has been added to this.

Proprietors should also be careful about charging school levies. For example, a 'new school' levy will breach the not-for-profit requirement, because it is not for the **conduct of the school**. While service costs may be characterised as a levy, a school and its proprietor will still need to demonstrate all requirements in Guideline 1.2.f and that the levy is not being used to cross-subsidise other schools, fund opening of new schools or benefit the proprietor (for example, the proprietor is profiting from the levy).

### Schools with a proprietor that provides other charitable services

Some schools are part of a legal entity that provides other charitable services. The school and its proprietor must ensure school money and property is used only for the **conduct of the school** and not any of the other services provided by the legal entity. This excludes **early learning centres** (see 'Schools that operate or intend to operate an ELC or school boarding premises').

In these circumstances, the proprietor may allocate some of the shared costs of the organisation to the school.

Schools and proprietors must be able to demonstrate the allocation of costs is not a **prohibited agreement or arrangement** and otherwise not a breach of the not-for-profit requirements. Schools and proprietors must document the costs being allocated (for example, human resources, electricity, IT, administration), the methodology for calculating the allocation, and the amount of those costs. For example, where the proprietor rents its premises and the school occupies a proportion of the premises, the proprietor may allocate the cost of the rent based on the number of square metres the school occupies. Allocation should never be based on revenue as this is not an appropriate measure of the actual services the school receives or overheads attributable to its operations.

### Schools that operate or intend to operate an ELC and school boarding premises

Schools that operate or intend to operate an ELC or **school boarding premises** may use school money or property, other than State or Commonwealth government funding, to conduct their ELC or **school boarding premises** provided certain requirements are met.

To use school money (other than State or Commonwealth government funding) to support or subsidise an ELC, it must be:

- an approved education and care service under the *Education and Care Services National Law Act 2010* (Vic)
- provide education and care to children including a 3- or 4-year-old kindergarten program
- not-for-profit
- a feeder for enrolments to the school.

If a registered school and a registered **school boarding premises** are owned and operated by the same legal entity, see also the minimum standards for school boarding premises available at: [vrqa.vic.gov.au/standards-and-guidelines-school-boarding-premises](http://vrqa.vic.gov.au/standards-and-guidelines-school-boarding-premises)

A co-educational ELC will be considered a feeder for enrolments for a single-sex school, provided children at the ELC enrol at the school.

There must also be:

- a publicly available statement that a proportion of funds raised or fees collected by the school may be used to support the operation of the ELC. The statement is publicly available if published in the enrolment policy, enrolment agreement, fee schedule or policy, or promotional materials
- separate financial records for the school and ELC, with cross-subsidisation clearly identifiable. There is no requirement for separate bank accounts
- copies of any loan or security arrangements for the purpose of constructing or maintaining ELC infrastructure or supporting the ELC.

Schools may enter a loan arrangement for the purpose of constructing or maintaining ELC infrastructure if there is no risk to the financial viability of the school in providing security for or servicing the loan.

In making public statements that funds raised or fees collected by the school may be used to support operation of the ELC, schools do not have to provide a specific proportion or dollar amount. However, schools have separate disclosure requirements that may require them to disclose a dollar amount or the percentage under Commonwealth and Victorian consumer and not-for-profit laws, including the:

- Australian Charities and Not-for-profit Commission Governance Standards
- Australian Education Regulation 2013 (Cth)
- Australian Consumer Law
- *Fundraising Act 1998* (Vic).

## 1.4 Probity

All **responsible persons** in a school must be fit and proper and able to carry out their legal responsibilities in relation to the operation of the school.

This requirement emphasises the importance for schools to employ and engage only **responsible persons** who have the skills, qualifications, experience and knowledge to operate a school. Schools should consider the skills required for a governing body to meet Guideline 1.2 – Governance structure and school finances. This includes complying with the minimum standards and Ministerial Order No. 1359.

### Evidence requirements

<b>▲*</b> Any school	<ol style="list-style-type: none"><li>A list of responsible persons which identifies their roles and provides details of their qualifications and experience.</li><li>A completed VRQA <b>fit and proper person</b> declaration form from each responsible person.</li></ol>
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**Regulatory context:** Part 1 and Schedule 4 clause 15 of the Education and Training Reform Regulations 2017

### Explanatory notes

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

Each **responsible person** must complete the VRQA **fit and proper person** declaration form, which is available on the VRQA website. These must be provided when requested by the VRQA. When a new **responsible person** is appointed (for example, a new director or principal, they must complete the form and the school retain a copy).

What constitutes a **fit and proper person** for schools is defined in Appendix 1.

A person who does not meet the **fit and proper person** requirements is automatically not fit and proper and must apply to the VRQA for an exemption.

The VRQA may only exempt a **responsible person** from these **fit and proper person** requirements:

- they have been found guilty of an offence which is (or would if committed in Victoria be) an indictable offence
- they have 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
  - non-compliance with a legal obligation relating to the provision of education
  - a breach of duty (including a duty of disclosure).

In deciding whether an exemption should be granted, the VRQA must have regard to:

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

When applying for an exemption, the application should address each of the matters listed.

Aside from this exemption power, the VRQA does not have power to exempt responsible persons from the **fit and proper person** requirement. A person who cannot be exempted or meet the **fit and proper person** requirements cannot hold a role at the school that is defined as a **responsible person**.

## 1.5 School's philosophy

A school must have a clear philosophy and be able to demonstrate how it is enacted.

### Evidence requirements

▲* Any school	<ol style="list-style-type: none"><li>a. A publicly available statement of the school's philosophy which includes the <b>mission</b> and <b>values</b> of the school.</li><li>b. Evidence of how the school enacts its philosophy.</li></ol>
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**Regulatory context:** Schedule 4 clause 16 of the Education and Training Reform Regulations 2017

### Explanatory notes

The school's philosophy statement communicates the nature of the school to current and prospective staff, students, parents and guardians. It provides a foundation for the school's strategic direction, culture, approach to education and to student safety and wellbeing.

To demonstrate it has enacted its philosophy, the statement will be contained in a document such as the school's enrolment policy, constitution, prospectus, handbook or strategic plan.

The statement of philosophy must be publicly available. This means it should be published on the school's website. Schools who do not have a website must demonstrate it is made publicly available through other means (for example, it is in a document easily available to the school community).



# Guideline 2: Student attendance and learning

## 2.1 Enrolment numbers

A school must have enough students enrolled to be able to provide age-appropriate opportunities to support student academic and social development. This ensures that the school provides opportunities for students to receive instruction commensurate with the year level of education in which students are enrolled and that instruction substantially addresses the 8 key learning areas.

Maintaining minimum enrolment numbers also ensures the school remains financially viable.

### Evidence requirements

<b>* New school</b>	a. The school's forecast number of enrolments, as declared in the application to register a school. Just prior to registration, the confirmed numbers in an enrolment register must be provided.
<b>▲ Review school</b>	b. The school must have an enrolment register that records that the school has as many or more students than the minimum number required by the standard, or than the minimum number as otherwise approved by the VRQA.

**Regulatory context:** Schedule 4 clause 7 of the Education and Training Reform Regulations 2017

### Explanatory notes

The minimum enrolment number is 20 students.

The minimum enrolment number is 11 for the following:

- a specialist school
- a primary school located outside:
  - the Melbourne Statistical Area
  - an Urban Centre with 20,000 people or more.

A secondary school must have an average enrolment of 10 or more students in each year level for which the school is registered.

Schools that don't meet the minimum enrolment numbers must apply for an exemption. A school will be granted an exemption if it provides evidence to satisfy the VRQA that:

- sufficient students are enrolled to enable the school to provide opportunities for instruction in the school's year levels that, taken as a whole, substantially addresses the 8 key learning areas (see Guideline 2.5 – Curriculum framework) or
- special circumstances apply, in which case the VRQA must publish the reason for approving the lower enrolment number on its website.

A school registered for a specific purpose which does not meet the minimum enrolment number may be granted an exemption if it can satisfy the VRQA that:

- sufficient students are enrolled to enable the school to provide opportunities for instruction that reflects the school's educational program or
- special circumstances apply, in which case the VRQA must publish the reason for approving the lower enrolment number on its website.

For more information about exemptions, see clause 62 of the Regulations.

Independent school applicants must provide a register and evidence of expression of interests (for example, a completed expression of interest form). This must include at a minimum, details of each interested student's name, age and year level. Details of year level organisation must also be provided. For example, if a school intends to have composite classes it must include this information in its application.

Applicants are not permitted to enrol students. However, applicants may seek expressions of interest provided they make clear to parents and students they are not VRQA registered. Confirmed student numbers must be provided to the VRQA prior to registration.

Providing reasonable forecast enrolments at the point of initial application is important because this forms the basis for the applicant's forecast revenue, including government funding, and the educational facilities and staff required to operate and comply with the minimum standards. If confirmed student numbers significantly differ from the forecast enrolments provided at the time of application, this will impact on an applicant's financial forecasts, staffing and whether the proposed school will be financially viable. This may require an applicant to provide new financial forecasts.

## 2.2 Enrolment policy

A school must have an enrolment policy that makes it clear who is eligible for enrolment and its enrolment procedure.

The enrolment policy must comply with all applicable State and Commonwealth laws. This includes discrimination laws and the duty to make reasonable adjustments for equal opportunity, privacy, and the Australian Consumer Law.

A registered school established by a particular religious denomination or by a group of religious denominations may have an enrolment policy that gives preference to members of that religious denomination or denominations or their children.

### Evidence requirements

<p>▲* Any school</p>	<p>a. An enrolment policy and procedures that make clear who is eligible for enrolment.</p> <p>b. An enrolment agreement with parents or guardians that complies with all State and Commonwealth laws, that is publicly available and covers:</p> <ul style="list-style-type: none"> <li>i. codes of conduct for students (see Guideline 3.5 – Managing student behaviour), parents and guardians</li> <li>ii. fees</li> <li>iii. educational services provided</li> <li>iv. the grounds on which the agreement may be terminated</li> <li>v. the school's complaints and grievances processes.</li> </ul>
<p>● Gov school</p>	<p>c. The school must ensure that parents and guardians are able to access enrolment forms, the parent payment policy and a schedule of charges for the school.</p>

**Regulatory context:** Schedule 4 clause 8 of the Education and Training Reform Regulations 2017

## Explanatory notes

The enrolment policy should provide clear information about who is eligible for enrolment as a domestic student (for example, any entry requirements or criteria for enrolment). It should include:

- any prioritisation that may be given to students
- enrolment fees
- information and documents parents must provide
- who approved the enrolment of the child (for example, the principal or head of admissions)
- the process to appeal an enrolment decision.

Some schools may prioritise some student cohorts. This should be captured in the enrolment policy.

If the school is a specialist school, clear information must be provided about enrolment eligibility criteria and any evidence required to be provided by parents.

Schools operating an ELC or **school boarding premises** must include in their policy a statement that a proportion of funds raised or fees collected by the school may be used for the **conduct of the school's ELC or school boarding premises** (see also Guideline 1.3 – Not-for-profit status).

Schools must have an enrolment agreement. This outlines the terms and conditions of enrolment and obligations of the school and the parent or guardian. The agreement must include details listed in 2.2.b, including:

- school fees and any additional fees (for example, for camps, excursions, IT, extracurricular activities)
- educational services to be provided, such as a reference to the student code of conduct and parent or guardian code of conduct (and a link to these documents or information about where they can be found)
- the grounds on which the agreement can be terminated by the school with examples, such as breaches of the code of conduct or failure to pay school fees
- information about the school's complaints and grievances policy and procedure (and a link to these documents or information about where these can be found).

The enrolment agreement and policy must be made publicly available on the school's website. Schools that do not have a website must explain how they make them available to the school community (for example, a hard copy is provided to parents prior to enrolment and can be requested from the school).

## 2.3 Register of enrolments

A school must maintain an enrolment register that contains the required information.

The requirement to maintain current parent contact details ensures schools can:

- contact parents in the event of an emergency
- provide parents with information about their child
- provide parents with other information including about school events and term dates.

### Evidence requirements

▲\*  
Any school

- a. An enrolment register that must contain, for each student enrolled at the school, the:
  - i. student's name, age and address
  - ii. name and contact details of any parent or guardian of the student
  - iii. date of enrolment of the student
  - iv. Victorian Student Number (VSN) allocated to the student
  - v. date that the student ceases to be enrolled at the school (if applicable).
- b. A procedure to ensure that the enrolment register is kept up-to-date.

## Explanatory notes

The enrolment register may take different forms. For example, an electronic register using a student management system (like Compass or Sentral) or an Excel spreadsheet. If a school is using a student management system, a screenshot or similar may be provided as evidence. The VRQA may ask to see the student management system when it visits a school as part of a review. Schools using paper-based registers or Excel spreadsheets must submit the full register.

The register must record all the information in Guideline 2.3.a.

Schools must also have a documented procedure for ensuring the enrolment register is kept up-to-date. The procedure should include details of who is responsible for maintaining the register and how the school ensures parent contact details are current. For example, the procedure may state that parents are reminded bi-annually in the school newsletter to check their details or sent a form each year and asked to check the information about their child and their contact details is correct and return it to the school.

## 2.4 Attendance register and attendance monitoring

A school must maintain a student attendance register. Enrolment and attendance registers serve different purposes. The enrolment register records the total number of students enrolled in the school. An attendance register must record student attendance at least twice a day and record any given or apparent reason for student absences. Schools must also have a procedure in place to contact parents, monitor attendance and to follow up student absence on the same day.

Monitoring attendance also identifies any students who may be at risk due to low attendance and who require intervention or support to improve attendance or wellbeing.

Taking twice-daily attendance and following up unexplained absences is one way in which a school demonstrates it is discharging its duty of care to students and meeting Guideline 3.

### Evidence requirements

<p><b>*</b> New school</p>	<ul style="list-style-type: none"><li>a. The form the school's attendance register will take that allows for taking twice-daily attendance, recording absences, and the reasons for absences.</li><li>b. The school's policy and procedures to:<ul style="list-style-type: none"><li>i. check and record the attendance of all students twice daily and identify absences</li><li>ii. identify the person(s) with responsibility for monitoring and recording daily attendance</li><li>iii. follow up unexplained absences on the same day of a student's absence</li><li>iv. notify parents and guardians of unsatisfactory attendance</li><li>v. maintain current contact details for parents and guardians</li><li>vi. record student unsatisfactory attendance at school or classes on the student's file.</li></ul></li></ul>
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▲  
Review school

- c. An attendance register that records attendance of all students enrolled at the school. The register must show twice-daily attendance checks and any given or apparent reasons for absence.
- d. The school's procedure to:
  - i. check and record the attendance of all students twice daily and record absences
  - ii. identify the person(s) with responsibility for monitoring and recording daily attendance
  - iii. follow up unexplained absences on the day of a student's absence
  - iv. notify parents and guardians of unsatisfactory attendance
  - v. maintain current contact details for parents and guardians
  - vi. record student unsatisfactory attendance at school or classes on the student's file.

**Regulatory context:** Schedule 4 clauses 10 and 11 of the Education and Training Reform Regulations 2017 and Part 2.1.4 of the Education and Training Reform Act 2006

### Explanatory notes

The purpose of this guideline is to ensure student safety and wellbeing and enable schools to identify any students at risk and intervene by providing academic or wellbeing supports.

The attendance register may be an electronic student management system, or some schools may use an Excel spreadsheet or other manual form of taking attendance.

For schools using electronic student management systems, a screenshot or similar may be provided. Schools using manual registers should submit the full register.

Schools must have a procedure for monitoring attendance that includes all the required details. It may also identify the school's procedure for monitoring student attendance, including students at risk of unsatisfactory attendance and interventions and strategies to improve attendance.

Under section 2.1.4 of the Act, a school principal or teacher may ask a parent for an explanation if their compulsory school age (6–17 years) child has been absent from school. The section also requires the principal to ensure that a written record of the reasons (if any) given by the parent for a student's absence is kept.

## 2.5 Curriculum framework

Schools must provide their students with a planned and structured curriculum that covers the 8 key learning areas to equip them with the knowledge, skills and attributes needed to complete their schooling and to make a successful transition from school to work, training or further education.

Schools must deliver a curriculum approved by the Australian Curriculum, Assessment and Reporting Authority (ACARA) and demonstrate they are providing sufficient hours of instruction to students.

Government and Catholic schools deliver the Victorian Curriculum.

### Evidence requirements

▲\*  
Any school

- a. A curriculum plan showing how the 8 key learning areas will be substantially addressed and how the curriculum will be organised and implemented, including the number of teaching hours delivered in the 8 key learning areas.
- b. Timetables that demonstrate how instruction covering the 8 key learning areas is or will be delivered.
- c. Procedure for reviewing the curriculum and teaching practices.

**Regulatory context:** Schedule 4 clause 6 of the Education and Training Reform Regulations 2017

## Explanatory notes

The 8 key learning areas are:

- English
- mathematics
- sciences (including physics, chemistry and biology)
- humanities and social sciences (including history, geography, economics, business, civics and citizenship)
- the arts
- languages
- health and physical education
- information and communication technology, and design and technology.

## Curriculum plan and timetables

Schools seeking or receiving Commonwealth funding are required to deliver an ACARA-approved curriculum. In Victoria these are:

- Victorian Curriculum F–10 (Version 2.0), the mandated framework incorporating Australian Curriculum standards
- IB Primary Years Programme (PYP) or Middle Years Programme (MYP)
- Australian Steiner Curriculum Framework
- Montessori National Curriculum Framework

Schools using IB programmes must have approval from the International Baccalaureate Organisation (IBO) to deliver their curricula.

A school's curriculum plan and timetables must demonstrate how the school substantially addresses the 8 key learning areas. All learning areas must be addressed from Foundation to Year 10. A school will not be compliant if some learning areas are offered as electives only.

If the school's curriculum is based on the Victorian Curriculum, schools can use the VCAA's Victorian Curriculum Plan templates to demonstrate how they are addressing the key learning areas. Whatever its form, the curriculum plan must clearly specify the number of hours allocated to each of the key learning areas and content that is covered as evidence that each of the subjects are being substantially addressed.

A school is only required to provide its curriculum plan. However, where considered necessary, the VRQA will request additional evidence such as lesson plans, learning materials, resources and assessments.

The curriculum plan should include details of how the curriculum is organised and delivered, including whether it is delivered discretely, through integrated units or online.

**Note:** Schools wishing to deliver online must apply to the VRQA for the registration of an online campus.

Schools must provide timetables for each year level they are registered to deliver, showing how all key learning areas are being substantially addressed. The hours allocated to the 8 key learning areas in the timetable must correspond with those detailed in the school's curriculum plan.

## Hours of instruction

Government and Catholic schools deliver 25 hours of instruction per week. Independent schools should use this as a benchmark for their hours of delivery. If a school delivers substantially less than this (for example, less than 20 hours) it will be required to increase its hours of instruction.

## Exemptions

Schools may apply for an exemption from delivering a learning area under Regulation 61. The VRQA may grant an exemption if the school is registered as a specific purpose or specialist school. If a specialist or specific purpose school has been granted an exemption at the point of registration, it does not need to reapply unless after registration it proposes to reduce the number of subjects it is delivering. The VRQA may consider granting an exemption for other reasons (for example, an exemption may be granted from delivering languages if a school is unable to hire a suitably qualified language teacher). Exemptions in these circumstances are granted for one year.

## Senior and foundation secondary courses

Schools offering a senior or foundation secondary course must also be registered by the VRQA to provide that course and be approved by:

- the VCAA to deliver the VCE or VPC
- the IBO to deliver the IB Diploma Programme.

Schools must also meet the VCAA or IBO's requirements for delivery of the course and all the requirements in Guideline 6.

## Procedure for reviewing curriculum and teaching practice

Schools must have a documented procedure for reviewing their curriculum. This should provide details about how and when the curriculum will be reviewed to evaluate its effectiveness and identify any areas for improvement. This is an important part of a school's strategy to improve student learning outcomes and should include:

- how often the curriculum will be reviewed
- who is responsible for reviewing the curriculum (who is involved and how this occurs will depend on the size and structure of the school)
- how it will be reviewed. This should include details of the methodology for review. For example, how student data such as NAPLAN and Progressive Achievement Tests (PAT), assessments, student engagement data, individual learning plans or teacher judgement will inform the review.

Schools must also have a procedure for reviewing teacher practices. This should include how teacher practice will be evaluated including through mentoring, peer observation, provision of feedback, meetings with individual staff, professional development and participation in an annual performance and development process.

# 2.6 Student learning outcomes

A school must have appropriate processes in place to support all its students to progress towards and achieve the learning outcomes normally expected for its student cohort. This includes how the school will plan for and achieve improvements in those learning outcomes.

## Evidence requirements

<b>▲*</b> Any school	A procedure that sets out: <ol style="list-style-type: none"><li>a process to set goals and targets for the improvement of outcomes for all students, including students at risk of unsatisfactory progress</li><li>a method to track the school's progress towards the achievement of goals and targets (including what data will be collected, and how it will be analysed and used to improve student learning outcomes).</li></ol>
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**Regulatory context:** Schedule 4 clause 2 of the Education and Training Reform Regulations 2017

## Explanatory notes

Schools must provide a document that outlines the process they use to set goals and targets for outcomes for all students, including students at risk. The document must also provide details of the data the school will collect and details of how it will analyse and use the data to improve student learning outcomes. Schools must:

- detail the types of data that they collect
- explain how, when and by whom it is analysed.

Data may include formative assessments, common assessment tasks, NAPLAN, PAT, teacher judgement, review of Individual Education Plans/Individual Learning Plans and analysis of their effectiveness in achieving individual student learning goals.

The document must also detail how the school will identify students at risk (for example, through information provided from a student's previous school, individual teachers, assessments, wellbeing staff, parents/guardians and allied health professionals). The document must also outline the interventions the school will put in place to support the student. This will depend on the reason for the student being at risk, but may include:

- developing an Individual Education Plan to monitor progress and initiate further support as required
- details of additional supports that will be provided
- interventions for wellbeing dependent on the size of the school.. Some schools may have a wellbeing team or staff, school counsellor, or nurse who can provide support, and may work with a student's parents to obtain support from outside services (for example, a student's allied health professionals). Smaller schools without their own wellbeing staff or teams may work with a student's parents to obtain support from outside services (for example, a student's allied health professionals or obtain referrals to other services)
- student support groups, where teachers, a student's allied health professionals, youth workers, child protection (as appropriate) come together to discuss the student's progress and ongoing support needs
- supports for students with disabilities
- other internal or external supports or services considered necessary to ensure each student can achieve their learning goals.

Where a school uses Individual Education Plans, the plan should:

- outline clear educational goals for the student
- be strengths-based with a focus on the student's potential to achieve positive educational outcomes
- be age appropriate, support cultural needs and safety
- be flexible and future orientated
- include short-term goals that will lead to the achievement of long-term goals
- be developed in consultation with the student (where appropriate) and their parent or carer.

Schools may choose to have a single procedure or document that addresses these requirements and the requirements in Guideline 2.5 – Curriculum framework.

## 2.7 Monitoring and reporting on student performance

A school must undertake ongoing assessment and monitoring of student progress and achievement and provide a written report on student performance to parents and guardians at least twice a year.

### Evidence requirements

<p>▲* Any school</p>	<p>Procedures for:</p> <ol style="list-style-type: none"> <li>assessing and monitoring student progress and achievement</li> <li>reporting student performance to parents and guardians at least twice a year</li> <li>how the school will use assessment and reporting of student progress and achievement to improve student learning outcomes (including the learning outcomes of students at risk).</li> </ol>
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**Regulatory context:** Schedule 4 clause 3 of the Education and Training Reform Regulations 2017

### Explanatory note

A school will be compliant with this standard if it provides evidence of its procedures for assessing and monitoring student progress and achievement and provides evidence of twice-yearly written reports to parents or guardians.

Schools that receive Commonwealth funding must provide reports for students in Years 1 to 10 that give an accurate and objective assessment of the student's progress and achievement, including an assessment of the student's achievement:

- against any available national standards

- relative to the performance of the student's peer group
- reported as A, B, C, D or E (or on an equivalent 5 point scale) for each subject studied, clearly defined against specific learning standards.

This is a funding requirement under the *Australian Education Act 2013*.

The contents of student reports should support a school's compliance with the Guideline 2.5 – Curriculum framework. Therefore, the reports should provide evidence that the school assesses student achievements in relation to the key learning areas, either discretely or through integrated units. School reports can also be used to assess effectiveness of curriculum and teaching practice and as part of the data used to improve student learning outcomes.

Schools can demonstrate how they will use assessment and reporting of student progress and achievement to improve student learning outcomes (including the learning outcomes of students at risk) by covering this in the procedure or document provided for Guideline 2.6 – Student learning outcomes.



# Guideline 3: Student care, safety and welfare

## 3.1 Duties of care

Schools owe their students 3 duties of care. A duty to take reasonable:

- measures to protect them from reasonably foreseeable risks of injury
- care that any student (and other persons) on the premises will not be injured or damaged because of the state of the premises, including things done or omitted from being done to the premises
- 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.

Schools must consider their student cohort and the activities students are undertaking to ensure that different and sometimes greater measures are taken for younger students or students with disabilities to discharge their duty of care.

### Evidence requirements

▲* Any school	Not applicable – see Explanatory notes.
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### Explanatory notes

Schools must:

- not delegate their duties of care (for example, by relying on other providers or people to discharge the duty of care they owe to their students)
- ensure all staff and volunteers understand their duty of care obligations
- have policies and procedures that document how they discharge their duty of care to students.

Schools are not required to have a duty of care policy or procedure. They can demonstrate they are taking reasonable measures or precautions and discharging their duties of care by demonstrating compliance with Guidelines 3, 4 and 5.

To demonstrate they are taking reasonable precautions to prevent the abuse of a child by an individual associated with the organisation, schools must comply with the Child Safe Standards. This includes having evidence of how they ensure all staff and volunteers understand their obligations in relation to these policies, procedures and practices. For example, through induction and training.

## 3.2 Implementing the Child Safe Standards

Child safety is the responsibility of every person at a school. However, the school governing body and in government schools, the school principal, have specific and non-delegable obligations under *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).

### Evidence requirements

▲* Any school	A registered school must have developed policies, procedures, measures and practices in accordance with Ministerial Order No. 1359.
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**Regulatory context:** Section 4.3.1(6)(d) and (e) of the *Education and Training Reform Act 2006*

### Explanatory notes

The VRQA has a dedicated website and resources to help schools meet the Child Safe Standards and Ministerial Order No. 1359 at: [vrqa.vic.gov.au/child-safe-standards-education-providers](http://vrqa.vic.gov.au/child-safe-standards-education-providers)

Schools must have all policies, procedures and other evidence required under Ministerial Order No. 1359 to demonstrate compliance. However, policies and procedures are not enough. Schools must implement those policies and procedures, and the actions and strategies they have identified in their child safety framework, to ensure they create a child safe culture where students feel safe and are safe.

## 3.3 Mandatory reporting, reportable conduct and relevant offences

### Evidence requirements

▲* Any school	<p>Procedures for ensuring all staff and volunteers who perform child-related work at the school understand:</p> <ol style="list-style-type: none"><li><b>mandatory reporting</b> obligations, including who is a mandatory reporter, and when and how mandatory reporters must make a report</li><li>the <b>reportable conduct scheme</b>, including that the head of entity must:<ol style="list-style-type: none"><li>notify the Social Services Regulator (SSR) of all allegations of reportable conduct by employees, contractors and volunteers, and</li><li>ensure the allegations are investigated</li></ol></li><li>the <b>failure to disclose</b> offence and how it applies in their work with children</li><li>the <b>failure to protect</b> offence and how it applies in their work with children</li><li>the <b>grooming offence</b> under the <i>Crimes Act 1958</i> which is included in the definition of child abuse in Ministerial Order No. 1359 and how it applies in their work with children.</li></ol>
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**Regulatory context:** Section 4.3.1(6)(d) and (e) of the *Education and Training Reform Act 2006*

## Explanatory notes

**Mandatory reporting, reportable conduct** and relevant offences are explained in Appendix 1. For more information about mandatory reporting, the failure to disclose and the failure to protect offence, see: [justice.vic.gov.au](http://justice.vic.gov.au)

For information about what the head of entity, usually the school's principal, must do in relation to reportable allegations under the **reportable conduct scheme**, see: [www.vic.gov.au/reportable-conduct-scheme](http://www.vic.gov.au/reportable-conduct-scheme)

The procedures under this guideline may be incorporated into a school's Child Safe Standards reporting procedures (for example, its child safety and wellbeing policy or responding and reporting policy or procedure).

## 3.4 Risk and supervision

### Evidence requirements

<b>▲*</b> Any school	<p>a. A procedure for identifying risks to student safety and welfare and the strategies for mitigating those risks that:</p> <ol style="list-style-type: none"><li>i. complies with clause 6 of Ministerial Order No. 1359</li><li>ii. is implemented in practice</li><li>iii. considers all types of activities students will participate in.</li></ol> <p>b. Procedures for the supervision of students:</p> <ol style="list-style-type: none"><li>i. in the school yard</li><li>ii. before and after school</li><li>iii. in the classroom</li><li>iv. in online activities</li><li>v. at excursions or incursions, camps, sports carnivals (or other activities away from the school), that include consideration of bushfire risk (as necessary)</li><li>vi. attending other organisations during school hours (for example, at another school, an RTO or TAFE, or other organisations).</li></ol>
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**Regulatory context:** Schedule 4 clause 12 of the Education and Training Reform Regulations 2017 and Section 4.3.1(6)(a) of the *Education and Training Reform Act 2006*

### Explanatory note

#### Risk identification and mitigation

Schools need to identify and manage all risks to student safety and wellbeing. To do this a school must consider:

- its student cohort including their age, any additional needs, and any vulnerabilities (as defined in clause 9 of Ministerial Order No. 1359)
- activities students will participate in (for example, excursions, camps, outdoor education activities, and activities with other providers including attending TAFE or an RTO as part of their senior or foundation secondary course).

A school will demonstrate compliance by having a child safety risk register that complies with clause 6 of Ministerial Order No. 1359.

Schools will also demonstrate that they are identifying and managing risk through policies, procedures and practices required in Guidelines 2 to 5.

## Supervision

Schools must have a procedure for on-site and off-site supervision of students. This may be a single procedure or separate documents. For example, yard duty and supervision procedure, camps and excursions policy or procedures relating to students undertaking work experience or learning with a third party such as another school, RTO or TAFE.

The procedure for on-site supervision must include:

- roles and responsibilities of staff responsible for yard duty
- a map of supervision areas (and a yard duty roster that can be provided upon request)
- equipment required to be carried by staff (for example, portable first-aid-kit, phone)
- roles and responsibilities of classroom teachers, including arrangements for when a teacher needs to leave the classroom
- supervision of students online
- details of before and after school supervision including the times students will be supervised and what happens when students are not collected from school or are dropped before supervision commences.

The procedure for off-site supervision must include:

- the types of activities covered (for example, excursions, camps, sport, delivery of part of the senior or foundation secondary course by another school, RTO or TAFE)
- requirement to bring portable first-aid-kit and, as appropriate, ACSIA plans and EpiPens
- staff to student ratio and appropriate number of staff trained in first aid and anaphylaxis
- if volunteers will be used
- procedure for completing a risk assessment of the activity that considers the nature of the activity, characteristics and age of student cohort, and how risks will be managed and who is responsible for completing the risk assessment
- who is responsible for approving camps and excursions
- obtaining parent consent
- consideration of the risk of bushfire in the excursion location. For example, if the Bureau of Meteorology forecasts a Catastrophic fire danger rating (FDR), excursions or camp activities in affected locations will be cancelled or rescheduled.

Examples of documentation include a camps and excursions procedure (or similarly named document) and related form to be completed by the teacher organising or responsible for the activity. These should include all the details listed, a risk assessment (including consideration of bushfire and child safety risks) and section for a relevant person to confirm they have reviewed and approved the activity.

Schools with a hybrid or online campus must have a comprehensive supervision policy that sets out how they supervise students in the online environment and clearly demonstrates how they discharge their duties of care to students. This must include in the enrolment agreement clear details of the role of parents or guardians, including a requirement they are present during school hours.

## 3.5 Managing student behaviour

Schools need procedures to manage student behaviour, including in online environments, to address bullying and harassment.

Students and parents need to understand the consequences and procedure for dealing with breaches of the expected standard of behaviour at school and this information must be readily available to members of the school community. It must be included or referenced in the school's enrolment agreement so that it is clear when breaches of behaviour standards may lead to a student being expelled or the termination of the enrolment agreement.

## Evidence requirements

<b>▲*</b> Any school	<ol style="list-style-type: none"><li>a. A register of suspensions and expulsions</li><li>b. A publicly available procedure that explains the school's approach to behaviour management which is consistent with the school's enrolment agreement and:<ol style="list-style-type: none"><li>i. explicitly prohibits corporal punishment</li><li>ii. states how the school affords procedural fairness to students</li><li>iii. states when it may be necessary to use restrictive interventions to protect the safety of a student and members of the school community</li><li>iv. details the procedure for suspensions and expulsions of students and outlines the procedure for maintaining the register of suspensions and expulsions.</li></ol></li></ol>
<b>◆</b> Gov school	<p>Government schools are required to follow the Department's policy on restraint of students and are not required to have a local policy on restrictive interventions.</p> <p>Government schools must also demonstrate compliance with Ministerial Order No. 1125 – Procedures for Suspension and Expulsion of Students in Government Schools.</p>

## Explanatory notes

The purpose of this requirement is to ensure that the school has a clear procedure in place so that the whole school community understands the school's approach to behaviour management, including suspension and expulsion.

### Management of student behaviour

Schools use a variety of approaches to promote positive student behaviour and to reduce and resolve conflict. Whatever the approach, it must be clearly communicated to the whole school community.

A school will be compliant if it is able to demonstrate through its procedure that requirements in Guideline 3.4.b are met. This could also include references to specific programs and frameworks that the school has adopted or reference to the school's values and philosophy. Some schools may include details of a tiered approach to behaviour management in their policy and outline the ways in which the school provides opportunities for all students to be heard. The consequences for breaching the school's behaviour expectations must be clear to students and parents or guardians.

Non-government schools must provide a procedure which covers the steps for managing suspensions and expulsions of students. The procedures must also cover how the school will maintain a register of suspensions and expulsions and what the register must record.

At a minimum, the register must record the name of the student, dates, details of the incident or incidents that led to the suspension or expulsion and the length of the suspension or date of expulsion.

The policy or procedure must explicitly prohibit the use of corporal punishment.

The school's approach to managing student behaviour and the grounds on which a student's enrolment will be terminated must be transparent and included in the school's enrolment agreement. It must also make clear who makes decisions about suspensions and expulsions and if the student/parent/guardian has a right to seek a review of that person's decision. For example, they can request that the chair of the governing body review the decision.

The procedure or policy should also include whether a parent/guardian can have a support person, including if they require the assistance of a translator.

Most schools will also have a student code of conduct and parent code of conduct. These should also be publicly available and included as part of the enrolment agreement (for example, included in the document as a link, annexure or a statement that it is available on the school's website). The enrolment agreement must make clear when a student will be suspended or expelled because of breaches of the student code of conduct, or when the enrolment agreement can be terminated because a parent or guardian breaches the parent code of conduct.

## Procedural fairness

Procedures for the management of student behaviour must be procedurally fair.

Procedural fairness is provided when the procedure allows individuals to:

- know the allegations against them
- understand the potential consequences
- be afforded the opportunity to respond to those allegations.

Decision makers must be impartial and provide students and parents with a reasonable amount of time to respond to allegations or questions.

When managing student behaviour or complaints or concerns about students, schools should also consider their obligations under Ministerial Order No. 1359.

## 3.6 Complaints and grievances

A school must have a procedure for the management of student and parent complaints.

### Evidence requirements

<b>▲*</b> Any school	a. A procedure that outlines how the school will manage student and parent complaints and grievances that: <ul style="list-style-type: none"><li>i. complies with clause 11 of Ministerial Order No. 1359</li><li>ii. provides procedural fairness for affected individuals</li><li>iii. is accessible to the school community and consistent with the school's enrolment agreement.</li></ul>
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### Explanatory note

The complaints and grievances procedure must include details of:

- how a parent can make a complaint (for example, informally by raising it with a teacher, formally in writing) and the email address complaints should be sent to
- accessibility, with regards to the diversity and characteristics of the school community (for example, access to an interpreter and whether a parent can bring a support person)
- how a student can make a complaint, ensuring this is consistent with Ministerial Order No. 1359 including the process is accessible, child focused and student complaints are taken seriously and responded to promptly and thoroughly
- roles and responsibilities of school staff in the complaint process, including who is responsible for investigating complaints
- how procedural fairness will be afforded to a person affected by the complaint. For example, if a complaint is made about a student, that student is afforded procedural fairness (see: Guideline 3.5 – Managing student behaviour)
- an alternative procedure when the complaint or concern is about the person normally responsible for investigating complaints (for example, that complaints about the principal can be made to the chair of the board)
  - any avenues for requesting a review of the outcome of a complaint investigation (for example, when a decision about a complaint is made by the principal, a parent can seek a review by the chair of the board).

Schools can decide whether their complaints procedure includes student and parent complaints as well as complaints and concerns about child safety, or whether they have a separate procedure for managing child safety complaints and concerns as required under clause 11 of Ministerial Order No. 1359.

## 3.7 Anaphylaxis management

Registered schools must meet the requirements of *Ministerial Order No. 706 – Anaphylaxis Management in Victorian schools and school boarding premises* (Ministerial Order No. 706).

### Evidence requirements

<b>▲*</b> Any school	A registered school must have developed a policy and have procedures in place for any student at risk of anaphylaxis in accordance with Ministerial Order No. 706.
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**Regulatory context:** Section 4.3.1(6)(c) of the *Education and Training Reform Act 2006*

### Explanatory notes

A copy of Ministerial Order No. 706 and a compliance checklist is available at: [vrqa.vic.gov.au/guidelines-and-standards-for-schools](http://vrqa.vic.gov.au/guidelines-and-standards-for-schools)

## 3.8 Student health

### Evidence requirements

<b>▲*</b> Any school	<ol style="list-style-type: none"><li>a. An accident and incident register.</li><li>b. Procedures for the management of student medical conditions and health records that:<ol style="list-style-type: none"><li>i. comply with clause 9.1 of Ministerial Order No. 706</li><li>ii. explain the arrangements for ill students, including when and how student parents or guardians will be contacted</li><li>iii. outline how the accident and incident register is maintained</li><li>iv. outline the procedure for providing first aid to students, including the location of first-aid-kits, and when emergency services must be contacted</li><li>v. outline how the school will distribute medicine to students.</li></ol></li></ol>
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### Explanatory note

Clause 9.1 of Ministerial Order No. 706 requires anaphylaxis management policy to include details of how it integrates with the school's general first aid and emergency response procedures. The school's general first aid and emergency response procedures must also include details of how it integrates with the school's anaphylaxis management policy.

### Management of first aid

The procedure for managing first aid must include:

- location of main and portable first-aid-kits
- details of the procedure for administering first aid
- instructions for when staff must call 000 or if it's not an emergency, when staff must seek medical advice (for example, by contacting Nurse-on-call)
- details of when parents will be contacted or informed of the accident or incident and who is responsible for contacting parents

- the procedure for recording incidents and accidents in the register including who is responsible for recording the incident or accident
- where the first-aid room or sick bay is located and who will be responsible for supervising a student.

Schools must have a dedicated first-aid room or sick bay that is separate from classrooms.

Schools must ensure they have sufficient staff trained in first aid for the size of the school, number of students, and student cohort.

### **First-aid-kits and facilities**

Schools must:

- maintain at least one major first-aid-kit in its sick bay or first-aid room
- maintain at least one portable first-aid-kit for excursions or yard duty (the number required will depend upon the number of students, types of activities undertaken, number of areas for yard duty) and ensure there are sufficient portable first-aid-kits (for example, if one is taken on an excursion there are still sufficient number of portable first-aid-kits available for yard duty)
- store any medications separately from the first-aid-kit, including any prescribed or non-prescribed medication provided by a student's parent or carer.

Schools are responsible for determining what items should be included in their first-aid-kits based on the needs of their school communities. Schools should conduct a first-aid risk assessment to determine the needs of their communities that addresses:

- the number of staff and students
- the nature of the activities being undertaken
- the location and type of excursions.



# Guideline 4: Staff

## 4.1 Staff and volunteer training

Schools must have a sufficient number of staff who have completed accredited first aid training and that training must be current. There must also be staff with current anaphylaxis training as required by Ministerial Order No. 706.

Schools should also consider the health needs of their students and any additional training that is required to discharge their duty of care to students (for example, training in asthma management, diabetes and mental health).

### Evidence requirements

<b>▲*</b> Any school	<ol style="list-style-type: none"><li>a. A register of staff and volunteers who have completed first aid training.</li><li>b. Procedures for staff and volunteer training on all policies and procedures relevant to their roles, this must include:<ol style="list-style-type: none"><li>i. training required under clause 12 of Ministerial Order No. 1359</li><li>ii. procedures and policies in relation to student care, safety and welfare.</li></ol></li></ol>
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### Explanatory notes

#### First-aid training register

The register must at a minimum include the following details:

- name of staff member
- name and course code of accredited training completed
- date training completed and expiry date.

#### Child safety training

Schools must maintain records that all staff, members of the governing body, and volunteers have completed the child safety training required under Ministerial Order No. 1359. This must include records of:

- when training was completed
- the contents of the training
- the names of each person who completed the training.

If a school does not use volunteers this should be made clear (for example, with a statement in their training register).

#### Care, safety and welfare

The minimum standard requires that staff are advised of all of their obligations in relation to care, safety and welfare. Schools must make clear how they do this (for example, at induction, training, presentations to staff). Schools should be able to demonstrate that all of their policies and procedures required under Guideline 3 can be easily accessed by staff and staff understand their roles and responsibilities. Evidence to demonstrate this requirement has been met might be a copy of a presentation to staff, induction checklist, training records, or similar documents.

## 4.2 Teacher employment requirements

A school can only employ teachers registered with the Victorian Institute of Teaching (VIT), or those who have Permission to teach (PTT) under Part 2.6 of the Act.

A school must not permit a person who does not hold current VIT registration or PTT to provide instruction to students.

Schools must also meet their obligations to ensure that recruitment and ongoing monitoring and supervision of staff complies with Ministerial Order No. 1359.

### Evidence requirements

<p><b>* New school</b></p>	<p>a. The form the school's register of teachers will take, including that it will contain each teacher's:</p> <ol style="list-style-type: none"><li>name</li><li>VIT teacher registration number</li><li>expiry date for VIT registration</li><li>VIT category of registration (full registration, permission to teach)</li></ol> <p>b. Procedures for maintaining the register and for managing teachers with conditions, limitations or restrictions on their registration or permission to teach.</p>
<p><b>▲ Review school</b></p>	<p>c. A register of teachers containing each teacher's:</p> <ol style="list-style-type: none"><li>name</li><li>VIT teacher registration number</li><li>expiry date for VIT registration</li><li>VIT category of registration (full registration, permission to teach)</li></ol> <p>d. Procedures for maintaining the register and for managing teachers with conditions, limitations or restrictions on their registration or permission to teach.</p>

**Regulatory context:** Schedule 4 clause 4 of the Education and Training Reform Regulations 2017

### Explanatory notes

This minimum standard acknowledges the importance of a school having suitably qualified staff who are VIT registered. VIT registered teachers are required to complete accredited qualifications and undertake rigorous suitability assessments to obtain and maintain registration. Employment of VIT registered teachers provides a foundation for quality education and student learning outcomes

The VIT is responsible for the registration of teachers employed in Victorian schools. Section 2.6.1 of the Act defines a teacher as:

- a person who, in a school, undertakes duties that include the delivery of an educational program or the assessment of student participation in an educational program
- includes a person employed as the principal or the head of a school whether or not that person undertakes the duties of a teacher if the person has been employed as a teacher in any school, whether the school was within or outside of Australia, prior to being employed as the principal or the head of a school
- does not include a teacher's aide, an assistant teacher or a student teacher.

The register may take different forms. For example, an electronic register such as Sentral, EduPay (for government schools) or other school management system, or an Excel spreadsheet. Schools must submit a complete copy of the register and ensure that it contains all the required information and that the information is up-to-date.

Schools must have a written procedure for maintaining the register to ensure it is up-to-date. The procedure must at a minimum include who is responsible for maintaining the register and how they validate the details in the register. For example, ensuring all existing staff continue to hold current VIT registration or PTT and whether any conditions have been placed on their registration or their registration has been suspended or cancelled and ensuring new staff are added to the register.

Schools must also have a procedure for managing those teachers with conditions, limitations or restrictions on their registration or PTT. For example, the procedure must detail how the school will ensure the conditions, limitations or restrictions are complied with or how it will manage and support provisionally registered teachers. This could be a standalone document or incorporated into the procedure for maintaining the school's register.

For new schools applying to register:

- there must be evidence of what form the register will take. Applicants should include register details for any currently employed teachers, and a complete register must be provided prior to registration. The VRQA will not register a school unless it is satisfied it has an adequate number of teachers for the students enrolled at the school
- applicants must also provide the procedures for maintaining the register and managing teachers with conditions, limitations or restrictions on their registration or PTT. The VRQA will look at this to ensure the school can manage appropriate supervision of provisionally registered teachers and have appropriately qualified teachers to deliver the curriculum in the year levels the school is seeking registration for.

## 4.3 Compliance with the *Worker Screening Act 2020*

A school must ensure all people employed at the school and engaged in child-related work comply with the requirements of the *Worker Screening Act 2020*.

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

Schools must also meet their obligations to ensure that recruitment and ongoing monitoring and supervision of staff complies with Ministerial Order No. 1359.

### Evidence requirements

<p><b>* New school</b></p>	<p>a. Procedures to ensure that all employees and volunteers required to do so by the <i>Worker Screening Act 2020</i> have a current Working with Children clearance.</p> <p>b. The form a register of all employees and volunteers with a Working with Children clearance will take, including that it will contain:</p> <ul style="list-style-type: none"> <li>i. name</li> <li>ii. card number</li> <li>iii. expiry date.</li> </ul> <p>c. Procedures for maintaining the register of employee and volunteer Working with Children clearances.</p>
<p><b>▲ Review school</b></p>	<p>d. Procedures to ensure that all employees and volunteers required to do so by the <i>Worker Screening Act 2020</i> have a current Working with Children clearance.</p> <p>e. A register of all employees and volunteers with a Working with Children clearance which includes:</p> <ul style="list-style-type: none"> <li>iv. name</li> <li>v. card number</li> <li>vi. expiry date.</li> </ul> <p>f. Procedures for maintaining the register of employee and volunteer Working with Children clearances.</p>

**Regulatory context:** Schedule 4 clause 5 of the Education and Training Reform Regulations 2017

## Explanatory notes

Schools must have a written procedure for who is required to hold a current WWCC. This must at a minimum require all employees and volunteers to have one who are required to under the *Worker Screening Act 2020*. Most schools will go beyond the requirements of the *Worker Screening Act 2020* when deciding who must hold a valid WWCC. The procedure must at a minimum:

- identify the person responsible for checking a new employee or volunteer holds a valid WWCC
- require the person to have a WWCC prior to commencing work
- outline the procedure to ensure a person's WWCC has not expired or been revoked
- identify the person/s responsible for maintaining the register.

If a school does not rely on volunteers at the school, the school should state this clearly in its procedures.

Child-related work involves contact that is direct and a part of the person's duties, and includes, but is not limited to, the following activities and work at:

- a school or other educational institution
- accommodation services provided for students on an overseas student exchange program (including homestay)
- coaching or tuition services for children
- publicly funded or commercial transport services for children
- counselling
- overnight camps
- school crossing services
- commercial photography services specifically for children
- any work engaged in by a minister of religion unless any direct contact with children is only occasional and incidental to that person's work.

For a full list of what constitutes child-related work, schools should refer to section 7 of the *Worker Screening Act 2020*. A VIT registered teacher does not need a WWCC.

A teacher whose registration is suspended is not registered and must not teach. If they are employed in a non-teaching capacity, they need a WWCC.

More information about who needs to apply for a WWCC, is available at: [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au)

New school applicants must provide a complete register of all staff and volunteers with WWCC prior to registration. Applicants must also provide procedures for ensuring all staff and volunteers have a current WWCC and for maintaining the register.



# Guideline 5: School site, infrastructure and performance

## 5.1 Buildings, facilities and grounds

A school's buildings, facilities and grounds must meet all legal and health and safety requirements.

### Evidence requirements

<p>▲ New school</p>	<ul style="list-style-type: none"> <li>a. A planning permit to operate an education centre on the intended site for the school.</li> <li>b. A planning permit to develop an existing building or build a new school.</li> <li>c. An occupancy permit which addresses building and facility compliance with the Building Code of Australia in relation to buildings and facilities at the school.</li> <li>d. An essential safety measures (ESM) register or plan for annual reporting in relation to compliance with the ESM.</li> <li>e. A maintenance schedule or register for buildings, facilities and grounds that is informed by the ESM register and will address the ESM register's content.</li> <li>f. Policies and procedures to ensure the school complies with the <i>Occupational Health and Safety Act 2004</i>.</li> <li>g. Evidence that the school will maintain a schedule for monitoring and removal of materials that may be easily ignited, including:               <ul style="list-style-type: none"> <li>i. branches overhanging buildings</li> <li>ii. debris and rubbish around and under buildings, including gutters and dry grass and vegetation</li> <li>iii. that the school will safely stores flammable materials.</li> </ul> </li> </ul>
<p>* Review school</p>	<ul style="list-style-type: none"> <li>h. An essential safety measures (ESM) register.</li> <li>i. A maintenance schedule or register for buildings, facilities and grounds that is informed by the ESM register and will address the ESM register's content.</li> <li>j. Policies and procedures to ensure the school complies with the <i>Occupational Health and Safety Act 2004</i>.</li> <li>k. Evidence that the school maintains a schedule for monitoring and removal of materials that may be easily ignited, including:               <ul style="list-style-type: none"> <li>i. branches overhanging buildings</li> <li>ii. debris and rubbish around and under buildings, including gutters and dry grass and vegetation</li> <li>iii. that the school safely stores flammable materials.</li> </ul> </li> </ul>

## Gov school

The VRQA recognises that the Victorian School Building Authority (VSBA) assists government schools to meet some of its relevant obligations, in line with the department's Guidance on Buildings and Grounds Maintenance and Compliance, available at: [education.vic.gov.au/pal/buildings-grounds-maintenance/guidance/essential-safety-measures](https://education.vic.gov.au/pal/buildings-grounds-maintenance/guidance/essential-safety-measures).

**Regulatory context:** Schedule 4 clause 4 of the Education and Training Reform Regulations 2017

## Explanatory notes

### New schools, new campuses and school or campus relocations

Guideline 5.1.a requires a school to provide evidence it has approval from local government authorities to operate a school from the site. Such approval is granted when a prospective school meets specific conditions imposed by local government authorities such as traffic management. The issuing of a permit to operate an education centre means that the prospective school has met all conditions and requirements applicable to the permit.

An applicant seeking to register a new school or additional campus must be able to provide a planning permit to operate a school from the site. It must also have a permit for the development of an existing building or building a new school on the site. If an applicant does not have the necessary planning permits their application will be incomplete and will not be progressed.

Guideline 5.1.b requires school buildings and facilities to meet building requirements to ensure student safety. Certificates of final inspection or occupancy permits are issued by registered building surveyors and must be issued prior to the occupation or use of a building. The Building Code of Australia 9b or equivalent is required for a school. Occupancy permits include the building classification and details of the maximum occupancy for the site. Exceeding the maximum occupancy would place a school in breach of the building and occupancy permit.

New applicants must provide an occupancy permit or certificate of final inspection prior to registration. The VRQA cannot register a new school or new campus if these documents have not been provided.

### Essential safety measures

This requirement emphasises the importance for schools to ensure that regular inspections are undertaken to maintain buildings and to keep students safe. Essential safety measures include protecting against building fire, ensuring safe egress, displaying clear exit signage and having functioning emergency lighting. Documents in relation to a school's essential safety measures must nominate the person or organisation responsible for undertaking the required measures.

### Maintenance schedules

This requirement emphasises the importance for schools to ensure that their buildings, facilities and grounds are regularly and well maintained to ensure the safety of students.

For example, a school may submit a copy of its maintenance schedule which includes details of the types of services, equipment, facilities that the school must maintain and the frequency of maintenance. Activities generally contained in a maintenance schedule include fire maintenance, general building maintenance, maintenance of grounds, plumbing, electrical testing and tagging, and signage. A maintenance schedule must nominate the person or organisation responsible for undertaking the listed maintenance activities.

A school may address its obligations in relation to essential safety measures and maintenance schedules in one document.

### Occupational Health and Safety Act 2024

This requirement emphasises the importance for schools to understand they have legal responsibilities under the *Occupational Health and Safety Act 2004* to provide a safe and healthy environment for students and staff. Schools must be able to demonstrate that they have policies and procedures in place to protect all staff, students, volunteers, contractors and visitors from risk of harm.

A school may seek advice from an external agency or expert such as:

- the Victorian WorkCover Authority to establish its compliance with occupational health and safety requirements
- the Building and Plumbing Commission or registered building surveyor to ensure its compliance with relevant building legislation, including matters relating to combustible cladding including expanded polystyrene or aluminium composite panels with a polyethylene core.

Government schools will seek advice from the VSBA.

## 5.2 Educational facilities

A school's facilities must be appropriate for delivery of curriculum and co-curricular programs and the ages and needs of its student cohort.

The facilities required to deliver the school's curriculum will also be dependent year levels. For Years F to 10 there must be appropriate facilities to deliver the 8 key learning areas. Schools delivering a senior or foundation secondary course must have appropriate facilities to deliver the VCE, VCE VM, VPC or IB.

Specialist schools for students with disabilities must have appropriate facilities to meet the needs of their students.

All schools must be prepared to make reasonable adjustments to accommodate students with disability.

### Evidence requirements

<p>▲ New school</p>	<p>a. A plan of the school that shows:</p> <ol style="list-style-type: none"> <li>the location of facilities available for each program offered across the school day</li> <li>that students will have exclusive use of toilets dedicated for their use.</li> </ol> <p>b. Documents that show that reasonable adjustments to buildings, facilities and grounds have been made for students with disability.</p>
<p>* Review school</p>	<p>c. Documents showing:</p> <ol style="list-style-type: none"> <li>the location of facilities available for each program offered across the school day</li> <li>that students have exclusive use of toilets dedicated for their use</li> <li>that reasonable adjustments to buildings, facilities and grounds have been made for students with disability.</li> </ol>
<p>● Gov school</p>	<p>The VRQA recognises that the Victorian School Building Authority (VSBA) assists new government schools to ensure facilities are appropriate for delivery of the school's curriculum, in line with their <i>Building Quality Standards Handbook</i>, available at: <a href="http://schoolbuildings.vic.gov.au/building-quality-standards-handbook">schoolbuildings.vic.gov.au/building-quality-standards-handbook</a>.</p>

**Regulatory context:** Schedule 4 clause 14 of the Education and Training Reform Regulations 2017

### Explanatory notes

Whether or not a school's education facilities are suitable will depend on its student cohort, year levels and the curriculum it delivers (including any senior or foundation secondary courses).

Evidence to demonstrate compliance may be a site plan that shows the location of the facilities (for example, the number of classrooms, science labs, first-aid room or sick bay, facilities for physical education, toilets for staff and students).

The evidence must show there are appropriate facilities to deliver the 8 key learning areas and where appropriate, senior or foundation secondary courses. Schools will require a science lab where they deliver Years 7 and above and where their students undertake science studies as part of their senior or foundation secondary course.

Schools must have separate toilets for use by staff and students. Toilets for students cannot be used by staff or members of the public during school hours.

### Reasonable adjustments to accommodate students with disability

Evidence to show compliance with reasonable adjustment requirements will depend on each school's circumstances. Reports from suitably qualified experts could show that the school has made reasonable adjustments. In other cases, documents might show the provision of adjustments like:

- wheelchair accessibility – the installation of ramps at all entrances to school buildings and that doors and classrooms are wheelchair accessible
- wheelchair accessible toilets – the installation of grab bars, accessible sinks, and lever-operated taps
- adjustable workstations – the installation of adjustable desks, tables, and workstations to accommodate students with disabilities
- other adjustments for students with disabilities or additional needs – such as assistive hearing technology, braille tactile signage, hoists, change rooms or sensory spaces.

## 5.3 Emergency management plan

### Evidence requirements

<p>▲* Any school</p>	<p>a. An emergency management plan (EMP) that:</p> <ul style="list-style-type: none"> <li>i. includes evacuation diagrams</li> <li>ii. is site-specific (and addresses all sites of the school or that the schools has an EMP for each campus including camps owned by the school and <b>school boarding premises</b>)</li> <li>iii. identifies incidents requiring school closure, lockdown, or reduction of number of students or staff</li> <li>iv. specifies primary and secondary contacts for the school in the event of an emergency and provides their after-hours mobile phone numbers and email addresses</li> <li>v. includes details of emergency services and other services to contact in the event of different emergencies or incidents</li> <li>vi. is updated as required and reviewed at least annually and immediately after any significant incident.</li> </ul> <p>b. A procedure for monitoring emergency access to buildings and grounds, including evidence that the school ensures:</p> <ul style="list-style-type: none"> <li>i. building exits are continuously kept clear of obstructions</li> <li>ii. assembly points are designated and there is appropriate access to emergency equipment</li> <li>iii. there is access to facilities and grounds for emergency vehicles.</li> </ul>
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### Explanatory notes

#### Emergency management plan

A EMP must address 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 school closure, lockdown, or reduction of number of students or staff attending
- death or serious injury of a student or staff member at school or at another location authorised by the school (for example, with another provider such as an RTO).

The emergency management plan must include the matters identified Guideline 5.3.a and must also include:

- a statement that it will be updated at least annually and immediately after any significant incident
- facility profile
- any building and site hazards
- drill schedule
- students or staff with additional needs
- emergency kit checklist
- incident management team including roles and responsibilities, name and contact information
- emergency contacts (for example, 000, SES, CFA)
- communications tree
- emergency response procedures (for example, lockdown, intruder, fire, bushfire, grassfire, serious injury, missing student, cyber security, loss of essential services).

The evacuation diagrams must clearly show:

- the plan of the school
- on-site evacuation location
- off-site evacuation location
- the evacuation path and location of emergency exits to both the on-site and off-site evaluation location.

Evacuation diagrams must be displayed in appropriate places throughout the school.

Schools must also consider Guideline 5.4 – Emergency bushfire management in preparing their emergency management plans and keeping them up-to-date.

Schools are strongly encouraged to engage an appropriate expert to develop their emergency management plan.

## 5.4 Emergency bushfire management

All registered schools are required to meet the VRQA's *Guidelines on Bushfire Preparedness – Registered Schools and School Boarding Premises*. There are additional requirements for schools listed on the department's Bushfire At-Risk Register (BARR).

### Evidence requirements

▲\*  
Any school

A registered school must meet the requirements outlined in the VRQA's *Guidelines on bushfire preparedness – Registered schools and school boarding premises*.

### Explanatory notes

These requirements are in addition to a school's obligations under Guideline 3 and 5.1 – Buildings, facilities and grounds.

To find out if your proposed school is to be placed on the BARR, or classified as a Category 4 grassfire risk, contact: [emergency.management@education.vic.gov.au](mailto:emergency.management@education.vic.gov.au)

For existing schools, the BARR and other guidance from the department is available at: [www.vic.gov.au/bushfire-risk-register-barr](http://www.vic.gov.au/bushfire-risk-register-barr)

A copy of VRQA's *Guidelines on Bushfire Preparedness – Registered Schools and School Boarding Premises* is available at: [vrqa.vic.gov.au/guidelines-and-standards-for-schools](http://vrqa.vic.gov.au/guidelines-and-standards-for-schools)

## 5.5 Information about school performance

A school must monitor and report to the school community on its performance as outlined in the Regulations.

### Evidence requirements

<b>* New school</b>	a. The processes the school will follow to compile and publish its annual report that contains the mandatory information (including the information required under clause 60 of the Australian Education Regulations 2023).
<b>▲ Review school</b>	b. A copy of the school's annual report that contains the mandatory information (including the information required under clause 60 of the Australian Education Regulations 2023).

**Regulatory context:** Schedule 4 clause 18 of the Education and Training Reform Regulations 2017

### Explanatory notes

The Regulations set out the information which a school's annual report must include (referred to as the 'mandatory information' in the evidence requirements):

- a description and analysis of student learning outcomes achieved by the school's students in statewide tests and examinations in which the school participates for the current year; and if the school has been established for more than 2 years, the previous 2 years
- a description and analysis of the rates of student attendance for the year
- a report of the school's financial activities
- copies of any other reports that the school is required to prepare for the school community under any funding agreements with the State or the Commonwealth.

The Australian Education Regulations 2023 (Cth) are accessible on the Australian Government's Federal Register of Legislation. Clause 60 of the Australian Education Regulations 2023 (Cth) requires that an approved authority for a school must make the information in clause 60 available within 6 months after the end of a year.



# Guideline 6: Senior and foundation secondary

There are additional requirements for schools offering accredited senior or foundation secondary courses.

The Victorian Curriculum and Assessment Authority (VCAA) and the International Baccalaureate Organisation (IBO) are registered by the VRQA as awarding bodies and approve schools to deliver their courses.

## 6.1 Courses in Victoria

In Victoria, the **accredited senior secondary course** qualifications are the Victorian Certificate of Education (VCE) (including the VCE Vocational Major) and the International Baccalaureate (IB) Diploma Programme. The **accredited foundation secondary course** qualification is the Victorian Pathways Certificate (VPC)

Schools applying to offer a senior or foundation secondary qualification must meet the minimum standards for schools as set out in the Act and Schedule 4 of the Regulations, as well as the minimum standards for registration to provide an accredited senior or foundation secondary course in Schedule 8 of the Regulations.

A senior or foundation secondary course comprises units or subjects of study which, upon successful completion of the course requirements, leads to a qualification.

Schools will generally apply to offer an accredited senior or foundation secondary course after successfully delivering a Years 7–10 program for several years. This requires a school to apply to amend its registration to add Years 11 and 12 and apply for registration to provide an accredited senior or foundation secondary course.

A school must also seek authorisation from the relevant awarding body (VCAA or IBO) to provide the courses. For the VCAA, an application should be made concurrently with any application to the VRQA. Information about application deadlines can be found on the VCAA website. Schools should contact the IBO for information about the timelines and approval to deliver the IB Diploma Programme.

The requirements for registration to deliver the VCE, VPC or IB Diploma Programme ensure a school can provide a quality program to its students in their final years of school education.

### Evidence requirements

▲\*  
Any school

- Authorisation from the relevant awarding body (VCAA or IB) to provide the courses.
- If the school shares responsibility for delivering a senior or foundation secondary course with another provider, a copy of a written agreement between the school and the provider stating how the requirements of the minimum standards for delivery of a senior or foundation secondary course will be met.

**Regulatory context:** Schedule 8, regulation 86 of the Education and Training Reform Regulations 2017

## Explanatory notes

This includes where a school has an arrangement with another school, a TAFE or RTO. The agreement must set out how the school and the other provider will ensure the minimum standards are met. It must also require the provider to comply with the Child Safe Standards.

Any agreement or arrangement the school has with another provider in relation to the delivery of a senior or foundation secondary course must comply with the not-for-profit requirements addressed in section 1.3 – Not-for-profit status.

## 6.2 Principles to apply

The evidence required for this standard is addressed under Guideline 1.1 – Democratic principles.

### Evidence requirements

<b>▲*</b> Any school	a. A statement affirming that the school supports and promotes the principles and practice of Australian democracy, which is publicly available to interested members of the school's community and others.
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**Regulatory context:** Schedule 4 clause 1 of the Education and Training Reform Regulations 2017

## 6.3 Course governance, probity and facilities

A registered school delivering an accredited senior or foundation secondary course must effectively structure its governance. It must meet the evidence requirements for Guideline 1.2 – Governance structure and school finances, and 1.3 – Not-for-profit status as well as the additional evidence requirements here.

### Evidence requirements

<b>▲*</b> Any school	Documents that show: <ul style="list-style-type: none"><li>a. the school's physical environment is sufficient to support the delivery of the course</li><li>b. there are procedures to support students to undertake a course best suited to their abilities</li><li>c. there are sufficient financial resources to deliver the course to the standards of the awarding body.</li></ul>
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**Regulatory context:** Schedule 8 clause 6 of the Education and Training Reform Regulations 2017

## Explanatory notes

Schools must have appropriate buildings, facilities and grounds to deliver each of the units or subjects of the senior or foundation secondary course it is registered to provide. For example, science and art facilities must suitably enable students to undertake programs of learning consistent with the senior secondary curriculum and assessment requirements.

Schools must have resources, expertise and procedures to support students to undertake a course best suited to their abilities. These procedures must be in the best interests of the student and support a student's chosen secondary pathway. For example, schools may provide careers counselling and discuss with the student and their parents (with input from specialist teachers and home room teachers) which course best suits their abilities and career aspirations.

### VCE and VPC

Schools cannot create their own entry requirements for courses that exceed the VCAA's requirements. For example, requiring a student to achieve a particular mark or grade to be eligible to undertake scored VCE and requiring students who do not achieve the mark or grade to undertake the VCE VM or complete unscored VCE. A student's choice should be paramount, and schools should provide support to students to complete their course of choice.

Schools must follow the VCAA's guidance that requires schools to adopt a collaborative approach to determining the course that best suits the needs and aspirations of students.

The VCAA and the VRQA require schools to have a clear process for considering an individual student's suitability for completing unscored VCE. This must include:

- **Step 1:** Using the checklist in the VCAA's [guidance for schools](#) support material to help with the decision-making process.
- **Step 2:** Obtaining informed written consent from the student and their parents or legal guardians.
- **Step 3:** Providing ongoing support to the student through follow-up discussions and a review of their support needs.

When students, with support from parents or guardians, decide to complete a unit without a study score, it is important that schools communicate to all parties the greater number of pathways available when scored assessment is completed.

## 6.4 Course learning outcomes

A registered school must deliver the course to the awarding body's standards and ensure students who complete the course requirements are awarded the qualification.

### Evidence requirements

<b>▲*</b> Any school	Documents that show: <ol style="list-style-type: none"><li>course curriculum and assessment, and student attainment and administration are in accordance with the requirements of the awarding body</li><li>the school provides staff and students with current and accurate information about the awarding body's requirements, including course standards, timelines and qualification requirements.</li></ol>
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**Regulatory context:** Schedule 8 clause 2 of the Education and Training Reform Regulations 2017

### Explanatory notes

A school's policies and procedures (for example, their VCE Handbook) must be consistent with the VCAA *VCE Administrative Handbook*. For school's delivering the IB Diploma Programme, policies and procedures must be consistent with the IBO standards and rules including the Programmes Standards and Practices and Rules for IB World Schools.

## 6.5 Records and results

A school must have policies and procedures to ensure the integrity of assessment, the accuracy of records and the monitoring of student participation, completion rates and student outcomes. The policies and procedures must also cover results analysis and student participation in accordance with the requirements of the awarding body.

### Evidence requirements

<b>▲*</b> Any school	<p>Policies and procedures to ensure:</p> <ol style="list-style-type: none"><li>integrity of assessment (that student results reflect their achievements in assessments), in compliance with a relevant awarding body's requirements</li><li>accuracy of records</li><li>monitoring of student participation, completion rates and student outcomes</li><li>results analysis and student participation in accordance with the requirements of the awarding body.</li></ol>
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**Regulatory context:** Schedule 8 clause 4 of the Education and Training Reform Regulations 2017

## 6.6 Student welfare

A school must have policies and procedures to ensure the care, safety and welfare of its students. There must also be opportunities for students with special needs to access the course.

A school must have appropriate procedures in place to manage the care, safety and welfare of students where 2 or more senior secondary education providers share the responsibility for providing an accredited senior or foundation secondary course. For example, where a school has an arrangement with another school, a TAFE or registered training organisation. It should document arrangements that set out how the school and the other provider will ensure the care, safety and welfare of students, including how the school will discharge its obligations under the Child Safe Standards and its duties of care.

The evidence requirements to meet this standard are the same as for Guideline 3 as well as the additional evidence requirements here.

### Evidence requirements

<b>▲*</b> Any school	<p>Policies and procedures that cover any additional arrangements the school has in place for senior or foundation secondary students, including:</p> <ol style="list-style-type: none"><li>how attendance is monitored for students participating in courses provided by another senior or foundation secondary course provider</li><li>supervision of students outside scheduled classes</li><li>how the school identifies student special needs and how opportunities are provided so those students can access the senior or foundation secondary course.</li></ol>
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**Regulatory context:** Schedule 8 clause 3 of the Education and Training Reform Regulations 2017

## 6.7 Teaching and learning

A school must have suitable teaching resources, physical facilities, and competent and qualified staff to teach and assess the course.

The evidence requirements to meet this standard are the same as for Guideline 4.2 – Teacher employment requirements as well as the additional evidence requirements here.

### Evidence requirements

<b>▲*</b> Any school	<ul style="list-style-type: none"><li>a. Documents that show the school has suitably qualified and competent staff to teach the course.</li><li>b. An overview of teaching resources and facilities that meet the current requirements of the awarding body.</li><li>c. Policies and procedures to ensure the assessment of senior or foundation secondary courses is fair, valid and reliable.</li><li>d. Policies and procedures to oversee the conduct of assessments including:<ul style="list-style-type: none"><li>i. addressing cheating, including plagiarism</li><li>ii. conducting investigations and hearings and if necessary, amending or cancelling assessments.</li></ul></li><li>e. A student handbook and resources that address the senior or foundation secondary course rules and procedures for assessment which is consistent with any relevant awarding body's requirements.</li></ul>
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**Regulatory context:** Schedule 8 clause 5 of the Education and Training Reform Regulations 2017

### Explanatory note

Senior and foundation secondary courses can only be delivered by VIT registered teachers.

# Appendices

## Appendix 1 – Definitions

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

**Accredited foundation secondary course** – a course leading to a foundation secondary qualification pertaining to Year 11 or Year 12 (other than a senior secondary course) that is accredited by the VRQA under Chapter 4 of the Act.

**Accredited senior secondary course** – a course leading to a senior secondary qualification (other than a foundation secondary course) and any other accredited course pertaining to Year 11 or 12 that is accredited by the Authority under Chapter 4 of the Act.

**Affiliated entity** – in relation to a school, means a person, organisation or body connected with the school. For example:

- a religious school that is affiliated with its religious community and an entity, such as a church or mosque that was involved in establishing the school
- a school that is affiliated with a community organisation or charity that provides support, assistance, services or leases land to the school.

**Awarding body** – a person or body that is registered on the State Register to award, confer or issue a registered qualification.

**Campus** – a location at which part of a school is conducted or proposed to be conducted under the name of the campus as part of a registered school and:

- a. the campus and the school have a common governing body or the governing body of the campus is responsible to the governing body of the school
- b. in the case of a non-government school, the campus and the school have the same proprietor.

**Conduct of the school** – includes:

- a. fundraising activities conducted solely for the school
- b. the provision of goods and services and other matters or things to students attending the school
- c. the provision of other educational services that are within the scope of the school's registration.

**Early learning centre (ELC)** – a premises at which an approved education and care service (within the meaning of the Education and Care Services National Law (Victoria)) provides education and care to children, including 3- or 4-year-old kindergarten. The service is not provided for the purpose of profit or gain and the service is a feeder for enrolments to the school. Note: playgroups do not fall within the definition of an early learning centre.

**Entity** – includes a trust (see also: **Related entity**).

**Fit and proper person** – means a **responsible person** who:

- a. is able to carry out the person's responsibilities in relation to the operation of the school in compliance with the laws of Victoria, the Commonwealth, another State or a Territory relating to the provision of school education
- b. has not been found guilty of an offence which is, or which would if committed in Victoria be, an indictable offence

- c. has not been:
  - i. in the case of an individual, insolvent under administration
  - ii. in the case of a body corporate, an externally-administered body corporate; and (d) is not a represented person
- d. if the person is given an assessment notice under the *Worker Screening Act 2020* in relation to the school, complies with:
  - i. all requirements under that Act on the person as a holder of an assessment notice
  - ii. all requirements under that Act where the assessment notice is revoked or suspended
- e. 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 discipline body or regulatory authority (in Victoria or elsewhere) where the adverse finding or the action relates to:
  - i. dishonest, misleading or deceptive conduct
  - ii. non-compliance with a legal obligation relating to the provision of education
  - iii. a breach of duty (including a duty of disclosure).

**Governing body** – (a) in relation to a government school, the school council constituted in relation to that school; or (b) in relation to a non-government school, the person or body responsible for the governance, conduct or management of the school; or (c) 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.

**Government funding** – in relation to a school, means money that is provided to a school under an agreement or an arrangement with the State or the Commonwealth.

**International Baccalaureate (IB) Diploma Programme** – an **accredited senior secondary course** leading to a registered senior secondary qualification recognised under the Australian Qualifications Framework.

**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 in section 327 of the *Crimes Act 1958* 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: [justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence](https://justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence)
- the **failure to protect offence** in section 49O of the *Crimes Act 1958* 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: [justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to](https://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:
    - a. A is 18 years of age or more

- b. A communicates, by words or conduct (whether or not a response is made to the communication), with—
    - (i) another person (B) who is a child under the age of 16 years
    - (ii) another person (C) under whose care, supervision or authority B is
  - c. 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.
- (2) A person who commits an offence against subsection (1) is liable to level 5 imprisonment (10 years maximum).
  - (3) 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.
  - (4) 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.
  - (5) 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.
  - (6) 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.
  - (7) In this section:

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

**sexual offence** means:

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

Further information can be obtained at: [justice.vic.gov.au/safer-communities/protecting-children-and-families/grooming-offence](http://justice.vic.gov.au/safer-communities/protecting-children-and-families/grooming-offence)

**Melbourne Statistical Area** – the area comprising the Greater Melbourne Statistical Area described in Australian Statistical Geography Standard (ASGS): Volume 1 – Main Structure and Greater Capital City Statistical Areas, July 2016, published by the Australian Bureau of Statistics.

**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.

**Prohibited agreement or arrangement** – an agreement or arrangement:

- a. made between 2 or more of the following parties:
  - i. the governing body of a school
  - ii. the proprietor of the school
  - iii. another person or entity
- b. where the purpose of the agreement or arrangement:
  - i. is to pay or divert any profit or gain made in the conduct of the school to the proprietor or any other person or entity

- ii. that involves a payment by the governing body of the school or the proprietor of the school (as the case requires) to another person or entity which:
  - (A) is excessive compared to the reasonable market value of the charges, fees, rates or costs currently prevailing in the community for payment for that purpose (other than a payment made in good faith for that purpose); or
  - (B) involves a gift, loan or similar payment for a purpose unconnected to the conduct of the school (other than payments made to a bank in connection with the conduct of the school); or
- iii. is otherwise not a payment made in good faith for the benefit of the school or reasonably required for the conduct of the school.

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

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

Payments under paragraph (b)(iii) may include 'sham' arrangements that have the effect of transferring payments from the school to the recipient for the recipient's own purpose or benefit, and which deliver no benefit or service to the school.

A prohibited agreement or arrangement does not include an agreement or arrangement under which the proprietor of a school provides money (other than government funding) or property of the school to:

- a. a person or entity to conduct an **early learning centre** that is a feeder for enrolments to the school
- b. a person to provide school boarding services at a school boarding premises to students who are enrolled or attending that school, and where those services are not provided for the purposes of profit or gain.

**Proprietor** – in relation to a school, means:

- a. a person, body, or institution who establishes, owns or controls one or more registered schools
- b. any person or body that is specified in the registration of the school as the proprietor of the school.

**Registered auditor** means an individual or company registered with the Australian Securities and Investments Commission (ASIC) to perform audits of companies and other entities under the *Corporations Act 2001* (Cth).

**Qualified accountant** means an accountant who is a qualified accountant pursuant to the ASIC Corporations (Qualified Accountant) Instrument 2016/786 or an instrument that replaces it. Available at: [legislation.gov.au/](http://legislation.gov.au/), the instrument provides that an accountant will be a qualified accountant if she or he:

- belongs to one of the professional bodies listed in the first column of the table below in a membership classification set out in the second column, and
- complies with her or his body's continuing professional education requirements.

Professional bodies	Membership classifications
Chartered Accountants Australia and New Zealand (formerly The Institute of Chartered Accountants in Australia)	CA, ACA and FCA
CPA Australia	CPA and FCPA
Institute of Public Accountants (IPA)	AIPA, MIPA and FIPA

**Related entity**<sup>1</sup>, in relation to a school that is a body corporate, includes any of the following:

<sup>1</sup> See section 9 of the *Corporations Act 2001* (Cth)

- a. a promoter of the school
- b. a relative of a promoter of the school
- c. a relative of a spouse of a promoter of the school
- d. a director or member of the school or of a related body corporate<sup>2</sup>
- e. a relative of such a director or member of the school
- f. a relative of a spouse of such a director or member of the school
- g. a body corporate that is related to the school
- h. a body corporate one of whose directors is also a director of the school.

**Reportable Conduct Scheme** – under the Reportable Conduct Scheme, a head of an organisation is required to notify the Social Services Regulator (SSR) of all allegations of reportable conduct by employees and volunteers. More information is available at: [ssr.vic.gov.au](http://ssr.vic.gov.au)

**Responsible person** means:

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

**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.

**Note:** 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 Families, Fairness and Housing and the Department of Health, including the following:

<sup>2</sup> See section 50 of the *Corporations Act 2001* (Cth)

- 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.

**Senior secondary course** – a course leading to a senior secondary qualification.

**Specialist assistance, special or majority Aboriginal and Torres Strait Islander schools** – as defined in Sections 6 to 8 of the *Australian Education Act 2013*.

## Appendix 2 – Abbreviations and acronyms

The following abbreviations and acronyms are used in these guidelines:

**ACARA** – Australian Curriculum, Assessment and Reporting Authority

**ASGS** – Australian Statistical Geography Standard

**Cth** – Commonwealth

**The department** – Victorian Department of Education

**ELC** – early learning centre

**ESOS Act** – *Education Services for Overseas Students Act 2000*

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

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

**IB** – International Baccalaureate

**IBO** – International Baccalaureate Organisation

**NAPLAN** – National Assessment Program Literacy and Numeracy

**NDIS** – National Disability Insurance Scheme

**PAT** – Progressive Achievement Tests

**PTT** – Permission to teach

**RTO** – registered training organisation

**VCAA** – Victorian Curriculum and Assessment Authority

**VCEA** – Victorian Catholic Education Authority

**VCE** – Victorian Certificate of Education

**VET** – vocational education and training

**VIT** – Victorian Institute of Teaching

**VPC** – Victorian Pathways Certificate

**VRQA** – Victorian Registration and Qualifications Authority

**VSBA** – Victorian School Building Authority

**VSN** – Victorian Student Number

**WWCC** – Working with Children Check clearance