



## VRQA Registration Guidelines Update 2016

Important briefing paper for Principals, Bursars, Business Managers and Governors of Non-Government Schools on changes published March 2016

*The information in this briefing paper is current as at June 2016. The legal and regulatory obligations in this area are in a constant state of change. Please visit [www.complispace.com.au](http://www.complispace.com.au) to ensure that you have the most up-to-date version of this briefing paper.*

Published By:

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**School Governance**

CompliSpace Pty Ltd | ABN 67 151 135 072 | T 1300 132 090

**Sydney** | Level 4, 179 Elizabeth Street, Sydney NSW 2000

**Melbourne** | Suite 203, 35 Whitehorse Rd, Balwyn VIC 3103

**Perth** | 20 / 7 The Esplanade, Mount Pleasant WA 6153

[www.complispace.com.au](http://www.complispace.com.au) | [www.schoolgovernance.net.au](http://www.schoolgovernance.net.au)

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## 1. DID YOU KNOW?

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The 'VRQA's Guide to the minimum standards and other requirements for school registration' (August 2014) (the Guide) was revised in March 2016. The Guide is now called 'Guidelines to the minimum standards and other requirements for registration of schools including those offering senior secondary courses' (the Guidelines). The Guidelines deal with the 12 minimum standards prescribed by the *Education and Training Reform Act 2006* (Vic) (the Act) and the *Education and Training Reform Regulations (2007)* (Vic) (the Regulations).

The release of the updated Guidelines means that non-government schools should be aware of the changes to the Standards and what they mean for their registration policies and procedures.

Critically, non-government schools now have additional requirements to update their governance frameworks to include:

- ✦ policies and procedures in respect to the duty of care owed to students;
- ✦ policies, procedures, measures and practices to comply with new Ministerial Order No. 870 – Child Safe Standards – Managing the risk of child abuse in schools (**MO 870**);
- ✦ policies and procedures for compliance with the updated Ministerial Order No. 706: Anaphylaxis Management in Victorian Schools (**MO 706**); and
- ✦ a process for making available information about the school as required by Federal education legislation.

Non-government schools should also consider using the timing of the March 2016 updates as an opportunity to review the extent of their compliance with the updated MO 706 and new MO 870. On 1 January 2016 MO 706 took effect, and while MO 870 takes effect on 1 August 2016, compliance with the requirements in MO 870 required schools to commence preparation well in advance of the August deadline.

## 2. BACKGROUND

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Non-government schools in Victoria are required to comply with the Guidelines.

The Guidelines are published by the Victorian Registration & Qualifications Authority (VRQA) and the reasoning behind the timing of the updates to the Guidelines would appear to be the release of MO 870. The changes made to the Guide in August 2014 related to the introduction of the original MO 706 and Bushfire Management changes. It appears that the VRQA has a pattern of updating the Guide/Guidelines in response to legislative and regulatory developments.

It is incumbent on all non-government schools in Victoria to ensure that not only are they aware of the changes to the Guidelines but also that they continually comply with the terms of the current Guidelines.

While the updates made to the Guide in August 2014 were made in red font making it easy for schools to identify what had changed, the VRQA has not adopted a similar process for the March 2016 Guidelines. The purpose of this briefing paper is to explain the key changes in the March 2016 update, and the actions schools should be taking now to ensure compliance.

### 3. CHANGES TO TERMINOLOGY AND STRUCTURE

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The Guidelines include updated terminology and new sections. In addition to renaming the 'Guide' as the 'Guidelines' the VRQA has:

- ✦ significantly restructured the content of the Introduction section by dividing schools into categories (P-10 and Senior Secondary) and also including a section on schools offering courses to overseas students;
- ✦ significantly updated the content of the Requirements for Registration section to include more information about the Minimum Standards and the registration process;
- ✦ amended the wording of the sections of the Act and Regulations referred to in the Guidelines so that the wording in the Guidelines now correctly reflects the exact wording in the Act and Regulations (for example, the Structure section reflecting Sch 2 Clause 15(1) of the Regulations); and
- ✦ included separate sections for the requirements under Ministerial Order No. 870 (Child Safe Standards) and Ministerial Order No. 706 (Anaphylaxis Management). Previously the anaphylaxis management requirements were included under Student Care. The new section titled Managing the Risk of Child Abuse (commencing 1 August 2016) includes the requirements under Ministerial Order No. 870.

The Introduction section now includes the following guidance on the purpose of the Guidelines:

*"The guidelines are issued for the main purpose of providing guidance on the information, documents and other evidence the VRQA will require in order for it **to be satisfied** that a school meets the relevant standards."*

The emphasis on 'satisfying the VRQA' is made clear by the VRQA's use of bold font.

### 4. STUDENT WELFARE

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Several key changes have been made to the section Student Welfare: 'care, safety and welfare of students'. Aside from amending the wording of the section reference of the Regulations to ensure that **all** students and **all** staff are addressed, in accordance with the wording in Sch 2 Clause 12 of the Regulations, the VRQA has also made the following changes:

- ✦ A school must have policies and procedures in place with respect to "the duty of care owed to students;"
- ✦ A school must have policies and procedures with respect to that:
  - it owes all students a duty of care to take reasonable measures to protect them from risks of injury that should have been reasonably foreseen;
  - that it owes a duty to take reasonable care that any student (and other person) on the premises will not be injured or damaged by reason of the state of the premises or of things done or omitted to be done in relation to the state of the premises; and
  - greater measures may need to be taken for younger students or students with disabilities.

The effect of these new evidentiary requirements is that schools must now express in writing, the procedures they have in place to meet their common law duty of care obligation owed to students, including in the specific scenarios listed above. A 'duty of care' policy can be used to comply with these requirements.

The Student Welfare section also now includes references to the 'failure to disclose' and 'failure to protect' offences under the *Crimes Act 1958 (Vic)*, in the context of requiring schools to ensure that all staff understand mandatory reporting and other legal reporting requirements. A school's child protection program should address these requirements.

## 5. MANAGING THE RISK OF CHILD ABUSE

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Following the introduction in 2015 of a new section 4.3.1(6)(d) in the Act, the Guidelines include a section on the new standard 'Managing the risk of child abuse (commencing 1 August 2016). Section 4.3.1(6)(d) requires a school to develop:

*"policies, procedures, measures and practices in accordance with a Ministerial Order for managing the risk of child abuse including:*

- the implementation of minimum standards for a child safe environment; and*
- responding to allegations of child abuse committed against a child enrolled at the school or committed by an employee or student, contractor or volunteer of the school or other person connected with the school."*

The Ministerial Order referred to is MO 870 and schools must comply with its requirements by 1 August 2016. The Guidelines do not elaborate further on how to comply with this new standard, however the VRQA has published multiple resources on the VRQA website which provide guidance on meeting the seven Child Safe Standards which are included in MO 870.

Further information on the Child Safe Standards can be found in our March 2016 Briefing Paper '[The New Victorian Child Safe Standards. A radical shift in your school's child protection](#)'.

CompliSpace has developed a Child Protection Program which is made up of work systems, practices, policies and procedures designed to maintain a child safe environment and to embed an organisational culture of child safety within the school community. The CompliSpace Program deals specifically with child protection issues and is designed to ensure compliance with the Child Safe Standards and related child protection laws.

## 6. ANAPHYLAXIS MANAGEMENT POLICY

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In December 2015 the Minister for Education made Ministerial Order No. 706: Anaphylaxis Management in Victorian Schools (**MO 706**). MO 706 updated the previous Ministerial Order No. 706 and took effect on 1 January 2016.

Only a few changes were made to Section 12: Staff Training of MO 706.

MO 706 includes greater detail on the types of anaphylaxis management training required that staff can undertake.

Staff can undertake "face-to-face anaphylaxis management training" or "online anaphylaxis management training" - both are defined terms in the Ministerial Order.

A face-to-face anaphylaxis training course can be a course in anaphylaxis management training that is:

- accredited as a VET course;
- accredited under Chapter 4 of the Education and Training Reform Act 2006 (Vic) by the VRQA;
- endorsed and delivered by a tertiary level specialist allergy service within a tertiary level academic teaching hospital; or
- any other course approved and advertised by the Department of Education and Training.

All face-to-face courses must be attended in person and must include a competency check in the administration of an adrenaline auto-injector.

An "online anaphylaxis training" course means the 'ASCIA Anaphylaxis eTraining for Victorian schools' course developed by the Australasian Society of Clinical Immunology and Allergy (ASCIA) and approved by the Secretary of the Department. Staff must also participate in a briefing twice per calendar year on the school's anaphylaxis management policy and other matters.

## 7. FEDERAL REQUIREMENTS

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Under the section Other Standards: Information about school performance, the Guidelines include new evidentiary requirements relating to the *Australian Education Regulation 2013 (Cth)* (**Australian Regulation**).

Schools must make available to the school community the information required by regulation 60 of the Australian Regulation. Such information includes:

- ✦ contextual information about the school, including the characteristics of students at the school;
- ✦ teacher standards and qualifications (as mandated in Victoria);
- ✦ workforce composition, including Aboriginal and Torres Strait Islander composition;
- ✦ student results in National Assessment Program (NAP) annual assessments; and
- ✦ school income broken down by funding source.

A school should have procedures in place to show evidence that the Australian Regulation information requirements are met.

## 8. WHAT CAN COMPLISPACE DO TO HELP?

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CompliSpace combine governance, risk, compliance and policy management expertise with technology solutions to deliver sustainable governance solutions to non-government schools in every State and Territory in Australia.

A team of lawyers and industry experts actively monitor changes to relevant laws and registration Standards to deliver a full suite of online policies, procedures and governance programs that enable Schools to continuously comply with their legal and regulatory obligations. CompliSpace's suite of content modules, training programs and software platforms are specifically tailored for non-government schools by jurisdiction. They include:

- ✦ ISO 31000 Risk Management Program;
- ✦ AS/ISO 19600 Compliance Program;
- ✦ Comprehensive School Registration Programs;
- ✦ ISO 10002 Complaints Handling Program;
- ✦ AS 5050 Business Continuity Program;
- ✦ AS 8004 Fraud and Corruption Control Program;
- ✦ AS 8001 Whistleblower Program;
- ✦ AS 4804 and AS 4801 Workplace Safety Program;
- ✦ A Child Protection Program;
- ✦ A Human Resources Program (tailored to relevant State and Territory laws, and enterprise agreements);
- ✦ A Privacy Program;
- ✦ A Board Governance Program; and
- ✦ Assurance software to manage risks, tasks and incidents.

If you would like to know more about how CompliSpace can assist you with your governance, risk and compliance, including registration, contact us on:

**Telephone:** 1300 132 090

**Email:** [contactus@complispace.com.au](mailto:contactus@complispace.com.au)

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