



# SA Registration Requirements 2018

Important briefing paper for Principals, Bursars, Business Managers and Governors of individual and systemic non-government schools

*The information in this briefing paper is current as at February 2018.*

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# 1. Executive Summary

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- ✓ All schools in South Australia are governed by the Education and Early Childhood Services (Registration and Standards) Act 2011 (the Registration Act).
- ✓ Until recently, the Registration Act was the key source of registration requirements for schools.
- ✓ On 5 April 2017, the Education and Early Childhood Services Registration and Standards Board of South Australia (the Board) finalised the *Standards for Registration and Review of Registration of Schools in South Australia* (the Standards).
- ✓ The Standards commenced on 1 July 2017. All new and changed schools will be assessed, and all registered schools will be reviewed, against the Standards.
- ✓ The Board has developed an Evidence Guide for Registration of New or Changed Schools and an Evidence Guide for Review of Registration (Evidence Guides) to support schools in demonstrating evidence of compliance with the Standards.
- ✓ Each school's registration must be reviewed at least once every five years. Ongoing registration on the South Australian Schools Register is subject to a school's continued obligation to meet the Standards, with the Board able to conduct a review of compliance at any time with 21 days' notice.
- ✓ The Standards are not intended to represent an increase in regulatory requirements, but merely clarify and formalise arrangements which are currently in place and to improve efficiency and the cost effectiveness of the overall registration process.
- ✓ All school governors, principals and executives should have undertaken a detailed examination of the requirements of the Standards, and what they mean for their registration policies and procedures.
- ✓ Schools should also be aware of the different processes for review of registration which are now in place, and what these processes mean for their compliance: Self-Review and Verification, and/or Validation Review of Registration.

Refer to these previous School Governance articles for more information:

- ✓ [New South Australian Standards for Registration: SA catches up to other states and territories](#)
- ✓ [South Australia finalises its Registration Standards: Key issues for schools](#)
- ✓ [SA Registration Standards come into effect: What will this mean for schools?](#)
- ✓ [2017: The year of registration change: Is it time for national reform?](#)

## 2. Background

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### Requirements under the Education and Early Childhood Services (Registration and Standards) Act 2011

All schools in South Australia are governed by the Education and Early Childhood Services (Registration and Standards) Act 2011 (the Registration Act).

The Education and Early Childhood Services Registration and Standards Board of South Australia (the Board) was established under the Act on 1 January 2012, as the statutory authority responsible for the regulation and registration of early childhood services and schools in South Australia.

Under Section 43 of the Registration Act a school is eligible for registration if the Board, after receiving an application made in accordance with the Act, is satisfied that:

- ✓ the nature and content of the instruction offered, or to be offered, at the school is satisfactory; and
- ✓ the school provides adequate protection for the safety, health and welfare of its students; and
- ✓ the school satisfies any other requirements set out in the Regulations.

With respect to the third prerequisite above, there are only two additional requirements, relating to the certificate of registration and record retention.

## Historical Requirements for Registration and Review of Registration

Historical versions of the Information for Registration of New or Changed Government and Non-Government Schools (Application Information Sheet),<sup>1</sup> as well as other Application Forms provided by the Board, listed the policies and procedures required to be produced by a school as part of the registration process.

However, the information in the Application Information Sheet only applied to schools seeking registration on the schools register as a new or changed school. On a literal reading, schools seeking the review of their registration were excluded from the requirements.

While it would seem illogical for registered schools to not be subject to any formal review process, this does appear to be the case, as demonstrated by the Board's 2015-16 Annual Report,<sup>2</sup> which includes a statement that "the Board's monitoring and review functions have not commenced". This suggests that schools which are registered but have not varied their registration - such as by adding a year level or through an amalgamation - or have not voluntarily approached the Board for consultation, have not been subject to a review process since the Board was established. In other words, registered schools in South Australia have been existing in a figurative compliance 'black hole' where their compliance with the Act has not been tested.

However, the introduction of the Standards means that the Board's registration expectations for a school are clearly established. They were first released as part of a Consultation Paper in December 2016, in which the Board encouraged the State's school sector to comment on its proposed revised requirements for all aspects of registration for schools.

The Standards were finalised on 5 April 2017, and came into effect 1 July 2017. The Board continues to engage in consultation and develop resources to support schools in the review of registration process, with reviews to occur at least once in a five-year period of registration.

The purpose of this briefing paper is to explain the new Standards and the actions schools should be taking now to ensure compliance.

## 3. The New Registration Regime

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On 4 July 2017, the Education and Early Childhood Services (Registration and Standards) Variation Regulations 2017 came into operation. Under the newly added regulation 36A, it is a requirement that a school must comply, or be able to comply, with the Standards for Registration and Review of Registration of Schools in South Australia (Standards).

Each of the three Standards has a series of Criteria which schools are expected to fulfil in order to become registered or to retain registration.

The Standards are as follows:

### Standard 1: School Governance

*The school is accountable for its safe, legal and financially viable operation and has corporate governance arrangements in place to lead this.*

Some basic elements of this Standard have been drawn from definitions under the Act, for example section 3(7) in respect of the requirement to be established as a body corporate or body politic and also from previous Application Forms, such as the requirement for the school to have a governing body.

There are four (4) Criteria to meet to achieve compliance with Standard 1:

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<sup>1</sup> The Board has recently removed all outdated school registration forms. However, a copy can be accessed [here](#).

<sup>2</sup> [The Education and Early Childhood Services Registration and Standards Board of South Australia, Annual Report 2015-2016](#)

- ✓ 1.1: The school is established as a body corporate or body politic.
- ✓ 1.2: The school (or schools that form part of a system) is governed by a body which collectively, has the knowledge, skills and experience to effectively govern the school and which is responsible for (in summary):
  - Compliance with all relevant Commonwealth and South Australian laws
  - Setting and monitoring the strategic direction of the school
  - Ensuring the ongoing financial viability of the school
  - Determining the school's educational philosophy and approach.
- ✓ 1.3: The school has academic governance arrangements to ensure accountability for the satisfactory quality of the nature and content of the education instruction provided.
- ✓ 1.4: The school systemically monitors and informs the school community of its academic and attendance performance in accordance with Commonwealth and South Australian laws.

Specific Criteria of this Standard appear to be influenced by the registration standards of other jurisdictions in respect of a school's management and governance. For example, the Western Australian Registration Standards and Requirements contain the following requirements, which are either substantially or completely reflected in SA's Standards:

- ✓ the school is financially viable – reflected in 1.1 for the governing body to ensure 'ongoing financial viability of the school'
- ✓ the school has a strategic plan outlining the future direction for development – reflected in the Criteria for the governing body to set and monitor the 'strategic direction of the school'
- ✓ setting legally-compliant enrolment policy and procedures – reflected in 1.2 – setting an 'enrolment policy and practices'.

This is only a selection of these Criteria, but none stand-out as being any more onerous than the expectations placed on any school in any other jurisdiction.

## Standard 2: Student Learning and Assessment

*The school has curricula, teaching and performance policies and practices and staffing in place to effectively deliver education services for each stage of schooling and monitors its educational achievements.*

There are eleven (11) Criteria to meet to achieve compliance with Standard 2:

- ✓ 2.1: The school's education philosophy guides its teaching and learning.
- ✓ 2.2: The school has curricula for each relevant stage of schooling that meets South Australian and Commonwealth government requirements.
- ✓ 2.3: The school has a documented teaching program that details the scope, content and sequence of learning and assessment for each of its curricula.
- ✓ 2.4: The school has sufficient learning and assessment resources to support the delivery of each teaching program.
- ✓ 2.5: The school uses learning and assessment methodologies appropriate for the support of the learning needs of its student cohorts in achieving the curriculum outcomes.
- ✓ 2.6: The school regularly monitors, reviews and records individual student performance and informs students and their parents about the student's performance throughout each enrolment year.
- ✓ 2.7: The school regularly reviews its curriculum, teaching program and learning and assessment approaches for each stage of learning to improve student performance outcomes, using external and internal performance data.
- ✓ 2.8: The school employs registered teaching staff to achieve its curriculum outcomes and the school supports their performance through the provision of professional development.
- ✓ 2.9: The school has appropriate non-teaching staff, contractors and volunteers to support the achievement of its educational outcomes and the school supports their performance through the provision of professional development as appropriate.
- ✓ 2.10: The school ensures that its teaching and non-teaching staff, contractors, volunteers and visitors are regularly informed of their obligations for child protection and mandatory reporting.

- ✓ 2.11: The school has a built environment, infrastructure, grounds and facilities for teaching and learning and student safety, health and well-being at each of its sites that (in summary):
  - are suitable for the stages of schooling and students enrolled
  - support the curriculum and education delivery
  - are well maintained
  - comply with all relevant laws.

Many Criteria for this Standard remain unchanged from the Application Information Sheet, such that registered schools which have implemented an education philosophy, curriculum policy, assessment/reporting procedures and which follow the Application Information Sheet in respect of securing and maintaining its premises/facilities should already have most of the evidence required to demonstrate compliance.

### **Standard 3: Student Safety, Health and Welfare**

*The school provides a safe, healthy and supportive learning environment that protects the well-being of students.*

There are nine (9) Criteria to meet to achieve compliance with Standard 3:

- ✓ 3.1: The school complies with Commonwealth and South Australian laws and policies that apply to the safety, health and welfare of its students, including those related to child protection for the employment of all staff and management of contractors, volunteers and visitors.
- ✓ 3.2: The school implements policies and procedures for the safety of students at school sites, off-school locations and external providers where school related activities occur and includes management of emergencies, incidents and risks.
- ✓ 3.3: The school implements policies and procedures for the health of students and includes management of the risks to health, students who are ill or hurt, and students with medical conditions.
- ✓ 3.4: The school implements policies and procedures for student welfare that covers pastoral care, early intervention, child protection including mandatory reporting, and behaviour management including associated safety and wellbeing management.
- ✓ 3.5: The school maintains an up-to-date register of enrolments that records for each student enrolled, the student's name, date of birth, place of residence, parent or guardian's contact details, start of enrolment and when appropriate end of enrolment.
- ✓ 3.6: The school maintains an up-to-date register of attendance which records the attendance for each student enrolled.
- ✓ 3.7: The school monitors the attendance of each student at school and at classes and has in place processes to minimise nonattendance and to keep parents or guardians and the education authority informed as required by legislation.
- ✓ 3.8: The school communicates with parents and guardians about issues concerning the safety, health and welfare of students.
- ✓ 3.9: The school has in place, and implements, policies and procedures for managing complaints and grievances from students, parents, caregivers and the community.

At first glance, this Standard appears to introduce more stringent requirements for schools by listing the kinds of policies and procedures which the Board expects schools to implement. For example, the school must have current registers for student enrolment and attendance, and its welfare policies and procedures must include:

- ✓ pastoral care
- ✓ early intervention
- ✓ child protection including mandatory reporting
- ✓ behaviour management including safety/wellbeing management.

However, the types of policies and procedures listed are not novel, but replicate aspects of the Application Information Sheet and mirror similar requirements across Australia – including in WA, NSW and the ACT.

A school which has up-to-date and viable policies and procedures for the health, safety and welfare of students at school sites and off-campus locations should already be prepared for many of the Criteria under this Standard. However, schools should be aware that their obligations related to child protection - including mandatory reporting requirements for staff members – will soon increase as a result of legislative change.

## Evidence Guides for Registration

To assist schools and other organisations with providing evidence to demonstrate compliance with the Standards, the Board has published two Evidence Guides:

- ✓ [Evidence Guide for Registration of New or Changed Schools](#)
- ✓ [Evidence Guide for Review of Registration](#)  
(Evidence Guides)

The Evidence Guides are intended to supplement the Standards by providing guidance on the types of evidence schools should show to ensure that the registration requirements have been met. While the Evidence Guides provide examples of suitable evidence, these are not intended to be comprehensive or necessarily required in every situation. The Board expects schools to present evidence in a manner that suits their circumstances.

For example, Criterion 1.2 of the Standards requires a school to be governed by a body which collectively has the knowledge, skills and experience to effectively govern the school, with certain responsibilities including ensuring the ongoing financial viability of the school. The Evidence Guides provide sample evidence to demonstrate the breadth of this Criterion, including:

- ✓ Constitution for the governing body, showing its structure and roles and responsibilities
- ✓ Vision, mission and/or purpose statement
- ✓ Statement/policy of the school's educational philosophy and approach
- ✓ Enrolment policy and fees policy
- ✓ Strategic plan and business plan.

In making their judgements about the adequacy of evidence given by a school, the Board may also use evidence acquired elsewhere, such as data provided by the Commonwealth Government.

## Review of Registration Process

The Board has stated that a review of registration occurs to ensure that schools continue to meet the Standards on an ongoing basis. Towards the end of January 2018, the Board communicated with schools to confirm how such a review will be undertaken.

### Option 1: Self-Review and Verification

For most schools, a review of registration will occur through a Self-Review and Verification of Meeting the Standards.

To complete this process, schools will need to undertake a self-review, using the [Self-Review and Verification form](#), to assess the extent to which they meet the Standards, and to identify and make any improvements that need to be made in order to meet the Standards. A person responsible for compliance with the Standards (usually the Principal) will then need to verify that the review has been conducted and, based on the outcome, confirm that all criteria in the Standards are met.

In order to complete this review process, schools must submit the finished form to the Board by 29 June 2018.

## Option 2: Validation Review of Registration

For all schools registered since 2012 and schools that are in their first 18 months of operation, the Board will also conduct a Validation Review of the school's registration. The Board will select an additional number of schools each year to undergo this review process.

In a Validation Review, the Board will assess evidence submitted by the school relating to their compliance with the Standards and may conduct a site visit. The review may relate to all the criteria in the Standards or a selection of them.

Schools that have not yet been selected for a Validation Review should be aware that the Board can conduct a review with 21 days' notice at any time, meaning they will need to be constantly prepared to provide key documents and other evidence sufficient to demonstrate compliance with the Standards with limited notice.

## 4. Next Steps for Schools

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As of 1 July 2017, all applications for the registration of a new school or for variation of an existing school (additional year level, additional campus, change to location and amalgamation of existing schools) are assessed against the Standards. All registered schools will be reviewed against the Standards, and the requirements for review discussed above are a condition of registration.

### Step 1: Review and update all current policies and procedures

The first step for most schools will be to conduct an internal audit of current policies, procedures and work practices and undertake a gap analysis against the obligations set out in the Standards. The outcome of this gap analysis will then determine the work that will need to be undertaken to ensure compliance with the new Standards.

While the Standards are not intended to represent an increase in regulatory requirements for schools, they will require all schools to review their current approach to child protection and other governance topics addressed by the Standards and make necessary changes in order to meet the Standards.

### Step 2: Monitor for any upcoming legislative change impacting schools

South Australian schools face an almost overwhelming myriad of legal and regulatory obligations and reporting requirements, including those in relation to child protection. These compliance obligations are likely to increase in 2018, most significantly by the recent passage of the Children and Young People (Safety) Act 2017 (the Act).

The Act was introduced on 14 February 2017, as part of the Government's response to the Child Protection Systems Royal Commission Report 'The life they deserve'. After significant political and media criticism of the Act, it passed the Legislative Assembly on 6 July 2017, and will make several key changes to South Australia's child protection system including increased reporting obligations. Together with the Child Safety (Prohibited Persons) Act 2016, the Act will also introduce a Working with Children Check scheme for South Australia.

Schools may soon need to ensure they meet increased staff screening and reporting obligations, child protection policy and procedure requirements and other obligations arising from these upcoming laws. The wording of the Standards indicates compliance with these laws will be a condition of registration.

## 5. What Can CompliSpace do to Help?

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At CompliSpace we 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. Our team of lawyers and industry experts actively monitor changes to relevant laws and registration standards and deliver a full suite of online policies, procedures and governance programs that enable schools to continuously comply with their legal and regulatory obligations.

In response to these changes, CompliSpace has developed a detailed Registration Compliance Module that systematically addresses each of the Standards and the requirements under the Act and other legislation. CompliSpace has also developed a Child Protection Program that addresses child protection legislation and includes a detailed on-line child protection training course. The Module and the Program are designed to be tailored to the particular circumstances of each school.

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

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