



Revised 2014 WA Non-Government Schools Registration Standards

Important briefing paper for Principals, Bursars and Business Managers

The information in this briefing paper is current as at 7 March 2014. The legal and regulatory obligations in this area are in a constant state of change. Please visit www.complispace.com.au to ensure that you have the most up-to-date version of this briefing paper.

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Background

On 10 February 2014 the revised WA Non-Government Schools Registration Standards and Requirements 2014 (the 2014 Standards) were released by the Department of Education Services WA (DESWA). This is the eighth revision of the Standards since they were first published in January 2004. The Standards have been reviewed annually since 2012.

The 2014 Standards have immediate effect and governing bodies of schools must be able to demonstrate they have policies and procedures in place that will enable them to meet the requirements of the updated Registration Standards.

This briefing paper is designed to provide board members and school executives with:

- ✔ The rationale for changes to the 2014 Standards;
- ✔ An outline of the structure and revision of the 2014 Standards;
- ✔ A summary of key changes contained within the 2014 Standards; and
- ✔ Recommendations to ensure compliance with the 2014 Standards.

Rationale for Changes to the Standards

The following developments were considered in the review of the Standards:

- ✔ Critical incident reporting and the separation of governance and management in non-government schools as per the amendments to the [School Education Regulations 2000](#);
- ✔ Continued strengthening of child protection in non-government schools including Working with Children (WWC) card requirements for staff and volunteers;
- ✔ The need to progress towards meeting the [National Quality Standards \(NQS\)](#) in Early Childhood Education and Care and School Age Care requirements by 1 January 2015;
- ✔ Integration of the requirements for schools offering programs for full-fee paying overseas students (international students) to reflect national registration requirements;
- ✔ Full implementation of the Australian Curriculum (Phase 1) by mid-2015;
- ✔ Commencement of the [Australian Education Act](#) and [Regulations 2013](#) from 1 January 2014; and
- ✔ Changes to the system of teacher registration and the obligations of employers.

An Outline of the Structure and Revision of the 2014 Standards

The overall structure of the 2014 Standards remains consistent with the 2013 Standards with registration requirements assessed through information gathered on 12 criteria that reflect the operations of schools as follows:

Criteria 1 – Governance and Accountability **(Substantive Revision)**

Criteria 2 – Student Learning **(Substantive Revision)**

Criteria 3 – Curriculum **(Minor Revision)**

Criteria 4 – Level of Care **(Substantive Revision)**

Criteria 5 – Financial Management **(Substantive Revision)**

Criteria 6 – Staff and Management **(Substantive Revision)**

Criteria 7 – Physical Environment (Minor Revision)

Criteria 8 – Enrolment and Attendance (Substantive Revision)

Criteria 9 – Number of Students (Substantive Revision)

Criteria 10 – Time for Instruction (Correct information for 2014. Not substantive)

Criteria 11 – Complaints Management (Revised terminology. Not Substantive)

Criteria 12 – Legal Compliance (Substantive Revision)

Reporting Process – (Substantive Revision)

Recommendations to the Minister for Education – (Substantive Revision)

A Summary of Key Changes

Unfortunately the Department of Education Services WA has not provided a “marked up” copy of the 2014 Standards, which would have allowed for easy comparison of the changes from the 2013 Standards. For those who are interested, DESWA will make available a copy of the draft version of the 2014 Registration Standards with red text highlighting the significant additions for 2014. However this document provides a limited guide to additions only, and DESWA advises that the finalised document must be read in its entirety by Non-Government School staff to ensure compliance. We have only included changes we believe to be material.

Criteria 1 – Governance and Accountability

Evidence Guideline	Summary of Key Changes
Criterion (Revised)	The following sentence has been added to the second paragraph of the criterion, “ <i>The constitution defines and the school demonstrates a clear separation between the day-to-day management and control of the school by the principal and the overall governance of the school by the governing body</i> ”.
1.2 – Constitution (Revised)	<p>The purpose of the <i>School Education Act 1999</i> includes the responsibilities of the school’s governing body. It has been revised to include the following additional responsibilities:</p> <ul style="list-style-type: none"> • Maintaining a satisfactory standard of education and satisfactory level of care for students who are enrolled at non-government schools; and • Accounting for the use of public funds received. <p>The constitution of the governing body of a non-government school outlines the objects, powers, structure, roles and responsibilities of the governing body and how governance is separated from management.</p> <p>This evidence requirement has been revised to specify that the constitution must:</p> <ul style="list-style-type: none"> • Articulate the governing body’s educational philosophy; • Outline objects, powers, structure, roles and responsibilities of the governing body; • Define a clear separation between the day-to-day management and control of the school by the principal and the overall governance of the school by the governing body; and • Detail how and by whom the school finances are to be managed.

<p>1.5 – Register of Governing Body Members (Revised)</p>	<p>The evidence requirement for the register of governing members have been extended to the following:</p> <ul style="list-style-type: none"> • Not only recording the details of current members of the governing body, but extending this to also include ex-officio and non-voting members; • Governing body members now must obtain a National Police Check or other evidence to establish their fit and proper bona fides. The previous standard simply referred to this being “best practice”; and • Ensure the school has recorded that they are an employing authority with the WWC screening unit, where a member of the governing body already has a WWC card from a previous and/or other organisation or employer.
<p>1.11 Full Fee Paying Overseas Students (International Students) (Revised)</p>	<p>The term “international students” has been changed to “full fee paying overseas students” in this requirement, as well as throughout the entire 2014 Standards.</p>
<p>1.12 NQS in Early Childhood Education and Care and School Age Care (New)</p>	<p>1.12 is a new evidence requirement. This new requirement requires the school to demonstrate how the early childhood program (pre-kindergarten to year 2) is moving towards achieving the NQS requirements in 2014. The NQS specifications applicable to pre-kindergarten and kindergarten are staff qualification, age specific child-to-staff ratios and age specific physical environment requirements. This means existing quality assurance procedures in the school are to be enhanced to meet the requirements outlined in the NQS by 1 January 2015.</p> <p>Further, principals are required to conduct an internal NQS audit in their school annually by referring to the NQS, to improve school performance in the early childhood years. Records of the audit must be kept.</p>

Criteria 2 – Student Learning

Evidence Guideline	Summary of Key Changes
<p>Criterion (Revised)</p>	<p>The following has been added to the second sentence of the criterion, “Processes are in place for students who need a differentiated program in order for the school to cater for the learning needs of all students”.</p> <p>The 2014 standard also adds the word “effective” into the sentence “<i>The school has effective processes in place that enable it to plan for and achieve improvement in student learning</i>”.</p>
<p>2.2 Analysis of Student Learning (Revised)</p>	<p>The term “English as a Second Language (ESL)” has been changed to “English as an Additional Language or Dialect (EAL/D)” in this requirement, as well as throughout the entire 2014 Standards.</p>
<p>2.3 School Improvement Plan (Revised)</p>	<p>This evidence requirement has been revised to require a school to include a Protective Behaviour Curriculum (to be implemented as part of the Health and Physical Education Curriculum) in its School Improvement Plan.</p>

<p>2.4 Annual Report (Revised)</p>	<p>The source for this requirement has been amended to the <i>Australian Education Act 2013</i>, which commenced on 1 January 2014. The <i>Schools Assistance Act 2008</i> as stated in the 2013 Standards no longer applies, as the Act was valid from 2009 to 2012.</p> <p>A deadline for the annual report has been added. The annual report must be published on the internet “<i>within six months after the end of a year</i>”.</p> <p>The numbering in the tabulated content that is required for the annual report has changed as follows:</p> <table border="1" data-bbox="395 510 1254 730"> <thead> <tr> <th>NEW 2014 Standards</th> <th>OLD 2013 Standards</th> </tr> </thead> <tbody> <tr> <td>e. Student NAP results</td> <td>f</td> </tr> <tr> <td>f. Parent, student and teacher satisfaction</td> <td>g</td> </tr> <tr> <td>g. School income</td> <td>i</td> </tr> <tr> <td>h(i). Senior secondary outcomes</td> <td>e</td> </tr> <tr> <td>h(ii). Post-school destinations</td> <td>h</td> </tr> </tbody> </table> <p>The source of the content required for the annual report is no longer Part 2.1(1) of the <i>Schools Assistance Act 2008</i>, but is, regulation 60 of the <i>Australian Education Regulations 2013</i>.</p>	NEW 2014 Standards	OLD 2013 Standards	e. Student NAP results	f	f. Parent, student and teacher satisfaction	g	g. School income	i	h(i). Senior secondary outcomes	e	h(ii). Post-school destinations	h
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<p>2.6 School Website (Revised)</p>	<p>This requirement has been revised to include Independent School Reviewers to research the school website to gain additional understanding when considering the school for registration/renewal.</p> <p>Note the term “School Reviewers”, has been changed to “Independent School Reviewers” throughout the entire 2014 Standards.</p>												
<p>2.7 Full Fee Paying Overseas Students (International Students) (New)</p>	<p>The numbering in this evidence requirement has changed. 2.7 (previously 3.5) has been moved from Criteria 3 – Curriculum to Criteria 2 – Student Learning.</p>												

Criteria 3 – Curriculum

Evidence Guideline	Summary of Key Changes
<p>Criterion (Revised)</p>	<p>The following sentence has been added as the second sentence in the criterion, “<i>provide for the continuity and adherence of the curriculum across the years of schooling for which registration is sought; and satisfies the</i>” curriculum requirements described by the School Curriculum and Standards Authority (SCSA) and approved for Western Australian schools.</p>
<p>3.1 School Curriculum Plan (Revised)</p>	<p>This evidence requirement has been revised to make reference to the NQS and emphasise the need for the school to prepare and demonstrate significant progress towards the implementation of the Phase 1 subjects in 2014, in time for the implementation of the NQS in 2015.</p>

<p>3.5 Evidence gathered during the School Visit (Revised)</p>	<p>This evidence requirement (previously 3.6) has changed its numbering as the previous 3.5 has been moved to 2.7, and as a result is now 3.5 in the 2014 Standards.</p> <p>The term “Department of Child Protection” has been changed to “Department of Child Protection and Family Support (CPFS)” in this requirement, as well as throughout the entire 2014 Standards.</p>
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Criteria 4 – Level of Care

Evidence Guideline	Summary of Key Changes
<p>Criterion (Revised)</p>	<p>The criterion has been revised to emphasise that the school must provide a safe and healthy environment for students “<i>at all times</i>”.</p>
<p>Intent (Revised)</p>	<p>The intent has been revised to include “<i>and has effective policies, procedures and strategies in place in respond promptly and appropriately to critical incidents affecting student wellbeing</i>” at the end.</p>
<p>4.3 Student Safety (Revised)</p>	<p>This evidence requirement has been revised to include more details on risk management, namely, developing a systematic and proactive risk management system and engaging external agencies or specialist providers to assist in the identification and resolution of risk issues.</p> <p>The catastrophic weather warnings, bushfire preparedness and school evacuation section has been updated to refer to the AISWA’s Bushfire Management Guidelines.</p>
<p>4.4 Critical Incidents (Revised)</p>	<p>In accordance with the <i>School Education Regulations 2000</i>, the procedures for the reporting of critical incidents in schools have been updated.</p> <p>The principal of a school must notify the chair of the school governing body, as well as the Minister for Education through the Department of Education Services, of critical incidents as soon as reasonably practicable, and in any event, within 48 hours of the incident. The date and time the Department was notified should be recorded in the minutes of the governing body meetings.</p> <p>Critical incidents include incidents “<i>through a related school-based activity or circumstance</i>”.</p>
<p>4.6 Schools with Boarding Facilities (Revised)</p>	<p>This requirement has been revised to emphasise that a safe, healthy and supportive boarding environment “<i>is being provided and maintained at all times</i>” to all enrolled boarders.</p>
<p>4.7 Full Fee Paying Overseas Students (International Students) (Revised)</p>	<p>The source of the requirement, <i>Standard 6.4 of the National Code 2007</i>, for a critical incident policy and procedures has been added to this revised requirement.</p> <p>Further, additional information on where to obtain the Confirmation of Appropriate Accommodation and Welfare (CAAW) letter has been inserted. The letter is available from the Commonwealth Department of Immigration and Border Protection.</p>

Criteria 5 – Financial Management

Evidence Guideline	Summary of Key Changes
Criterion (Revised)	The school's financial resources must not only provide a satisfactory standard of education but the revised criterion requires, <i>“and satisfactory levels of care to all students in accordance with their needs”</i> .
Written Evidence (Revised)	The requirement that schools may be requested to submit additional evidence in relation to ongoing financial management is noted.
5.1 Audited Financial Statements (Revised)	Additional details on financial statements have been inserted in the revised evidence requirement. Audited financial statements are to be provided up to 31 December 2013 and depending on the date of registration, the statements must be available for any visit after April. Otherwise unaudited financial statements are to be provided up to 31 December 2013, as well as the most recent audited statements available.
5.2 School Year Operating Financials (Management Accounts) (Revised)	<p>The title of the requirement has been changed from “unaudited management accounts” to “school year operating financials (management accounts)”.</p> <p>Additional details on the school's most recent operating financials (management accounts) are provided. The operating financials must include a variance analysis to the budget at the time of the registration visit, and forward projections to 31 December 2014 are now required.</p>
5.4 Property Lease or Rental Agreements (Revised)	Further detail in the written agreements provided for the property used by the school has been outlined in this revised evidence requirement. The written agreements must now detail the annual cost of accommodation services.
5.7 School Business Plan (New)	5.7 is a new evidence requirement. This new requirement requires the school to have a business plan, which may be part of the school strategic plan, outlining the current objectives of the day-to-day operation of the school. The size of the business plan will depend on the level of detail appropriate for the school's context.
5.8 Current Year's Budget and Forecast Budgets of Three to Five Years (Revised)	<p>Due to the addition of the new 5.7 requirement School Business Plan, the numbering in this requirement has changed to 5.8 (previously 5.7).</p> <p>The title has also changed from “Budgets” to “Current Year's Budget and Forecast Budgets of Three to Five Years”.</p> <p>More information on cash flows have been provided for this revised requirement. Cash flows for projected operations of the school including asset investment plans are to be included in the budget.</p>
5.9 Insurance Policies (Revised)	Due to the addition of the new 5.7 requirement School Business Plan, the numbering in this requirement has been changed to 5.9 (previously 5.8)

Criteria 6 – Staff and Management

Evidence Guideline	Summary of Key Changes
Criterion (Revised)	The criterion has been revised to include “ <i>Teacher Registration Board of Western Australia and whose qualifications as a teaching body are appropriate to effectively deliver all aspects of the school’s curriculum</i> ”.
Explanatory Notes (Revised)	<p>Significant changes to the system of teacher registration and the obligations on employers have been outlined in the revised Explanatory Notes. The following changes are noted:</p> <ul style="list-style-type: none"> • Employing a teacher in contravention of any condition of their registration is an offence; • Employers are responsible for applying for limited registration for a nominee and paying the registration fee. Nominees, once registered are responsible for their own annual fees; • Teachers holding non-practising registration are able to teach for up to one year before they transition to full or provision registration, on satisfying the relevant professional standards; • The professional learning activities requirements have been extended and their completion is a pre-requisite to renewal of registration; and • Employers who begin an investigation or enquiry into the conduct or competence of a teacher and as a result, the teacher no longer works at the school, must notify the TRBWA of whether the investigation was concluded or not, and whether the teacher was dismissed or not. A confidentiality agreement does not excuse the school from compliance with this notification obligation. <p>Sources of further information are given.</p>
6.1 Staff Declaration (Revised)	<p>Specific information that should be detailed in staff declarations have been added to this revised requirement. Both teaching and non-teaching staff declarations must contain the information below:</p> <ul style="list-style-type: none"> • Legal name; • Date of birth; • WWC card number and expiry date; and • TRBWA registration number and status. <p>Further, personnel who need to hold WWC cards are clarified. Not only do school staff need to hold the cards, but volunteers who are not parents of children at the school, and parents of children at the school who undertake a professional role at the school (even if unpaid) are required to hold WWC cards.</p>
6.6 Full Fee Paying Overseas Students (International Students) (New)	<p>6.6 is a new evidence requirement. This new requirement requires the school to demonstrate that their staff are aware of the school’s obligations under the ESOS framework and in turn, the potential implications for students arising from the obligations.</p> <p>In addition, content previously in requirement 6.3 on managing education agents has been included in 6.6.</p>

<p>6.7 Evidence gathered during the School Visit (Revised)</p>	<p>Due to the addition of the new 6.6 requirement Full Fee Paying Overseas Students (International Students), the numbering on this requirement has been changed to 6.7 (previously 6.6).</p>
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Criteria 7 – Physical Environment

Evidence Guideline	Summary of Key Changes
<p>7.4 Occupational Safety and Health (Revised)</p>	<p>This evidence requirement has been revised to reference the NQS. Specifically, the need to prepare for the implementation of the NQS in 2014, in time for 2015, and age specific physical environment requirements for Pre-Kindergarten and Kindergarten are noted.</p>
<p>7.5 Risk Management (Revised)</p>	<p>This evidence requirement has also been revised to reference the physical environment standards for early childhood education, in accordance with the NQS.</p>

Criteria 8 – Enrolment and Attendance

Evidence Guideline	Summary of Key Changes
<p>8.4 Schools providing Education to Full Fee Paying Overseas Students (International Students) (Revised)</p>	<p>The source of obligation of the school's refund policy has been added to this revised requirement. The <i>ESOS Act</i> and other requirements in the <i>National Code 2007</i> Standards 1, 2, 3, 6 and 11 are the sources.</p> <p>The letter previously known as the "Student Agreement" in the 2013 Standards has been renamed to the "written agreement". Not only must the written agreement be produced as evidence, but a copy of the letter of offer from the school must also be provided.</p> <p>The dot point in relation to study periods has been amended. In the 2014 Standards, an additional explicit statement is no longer required. Instead, the definition of the length of each study period in the course and the tuition fees for each study period must be in the "written agreement".</p> <p>There are also further details on the procedures for requesting payment including the amount that can be requested, and the time in which they can be requested. The process for the identification and investigation of poor student attendance is called the "intervention strategy" and the sources for the obligations have been included.</p> <p>Content from requirement 5.9 from the 2013 Standards on financial reporting and monitoring of international students have also been incorporated into this evidence requirement.</p>

Criteria 9 – Number of Students

Evidence Guideline	Summary of Key Changes
9.5 Schools providing Education to Full Fee Paying Overseas Students (International Students) (Revised)	<p>This evidence requirement has been revised to include the following in relation to international students:</p> <ul style="list-style-type: none"> • Introduction of the two categories applicable to schools, depending on the total number of international students at the school. That is, the 9 students or less category or the 10 students or more category; and • Elaboration on the DES approval process for school registration when determining the maximum number of students the school can enrol. The DES will consider the school's premises, facilities, resources, equipment, materials and ratio of staff to student numbers in terms of its capacity.

Criteria 10 – Time for Instruction

Evidence Guideline	Summary of Key Changes
10.1 Days Open for Instruction (Revised)	<p>The dates and the number of days have been amended to reflect the correct information for 2014.</p>

Criteria 12 – Legal Compliance

Evidence Guideline	Summary of Key Changes
State Government Acts / Regulations (Revised)	<p>The <i>Education Service Providers (Full Fee Overseas Students) Registration Regulations 1992</i> have been added to the 2014 Standards.</p>
Australian Acts / Regulations / Standards (Revised)	<p>The following legislation has been added to the 2014 Standards:</p> <ul style="list-style-type: none"> • <i>Australian Education Act 2013 and Australian Education Regulations 2013</i>; • <i>Education Services for Overseas Students Regulations 2001</i>; • <i>Education Services for Overseas Students (Registration Charges) Act 1997</i>; • <i>Education Services for Overseas Students (TPS Levies) Act 2012</i>; and • <i>National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007</i>. <p>The <i>Schools Assistance Act and Regulations 2009</i> have been deleted in the 2014 Standards as it no longer applies (refer to 2.4 Annual Report).</p>

<p>12.2 Evidence gathered during the Registration Visit (Revised)</p>	<p>Explanatory notes have been added for 12.2. The notes state “During the registration visit, the Independent School Reviewer will make observations in relation to legal compliance”.</p>
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Reporting Process

Evidence Guideline	Summary of Key Changes
<p>Written Report (Revised)</p>	<p>The written report has been updated to state that the Independent School Reviewer will analyse and assess the evidence available for each criterion.</p> <p>The most significant change in the 2014 Standards is the abolition of the “exceeds standard” outcome. The outcome of each criterion of the 2014 Standards will either be “meets” requirement or “does not meet” requirement.</p>
<p>Meets (Revised)</p>	<p>In the 2014 Standards, schools that fall into the “meets” outcome means the school meets the registration requirement or meets the requirement for the most part.</p> <p>The revised “meets” outcome also includes completion of Quality Improvements Required (previously a separate outcome) to ensure satisfactory requirements are maintained.</p>
<p>Does not Meet (Revised)</p>	<p>The previous “Quality Improvement Required (QIR)” outcome has been amended to “does not meet”. This means the outcome does not meet the registration requirement or does not meet the registration requirement for the most part.</p> <p>Additionally, this outcome has been revised to specify that evidence of completion of directions, conditions and/or QIR must be provided to the DES by the date specified, to enable the school to meet the registration requirement.</p>
<p>Risk Rating (New)</p>	<p>This new section in the Reporting Process, previously in tabulated form in the 2013 Standards, has been explained in further detail.</p> <p>Schools are rated as having a low, medium or high risk rating. These overall levels of risk are a deciding key factor when recommending the period of registration for a school to the Minister for Education. Low risk schools are those that meet all registration requirements and address any QIR on or before the dates given. These schools are awarded longer periods of registration.</p> <p>In particular, it is noted that a school may deliver a high standard of education for students but due to matters beyond the control of the governing body, the school may still be vulnerable or at a high risk of not being viable.</p>

Recommendations to the Minister for Education

Evidence Guideline	Summary of Key Changes
<p>Tabulated Content (Revised)</p>	<p>In the Registration Requirements column, two addition rows under “School meets standards determined by the Minister under section 159(2) (of the Act)” have been inserted. They are “Other matters in regulations (Separation of the day-to-day)” and “Other matters in regulations (Reporting of Critical Incidents)” as per the amendments to the <i>School Education Regulations 2000</i>. The Assessment column has been amended to reflect the amended reporting process. There are now only two assessment outcomes, meets or does not meet.</p> <p>As mentioned in the reporting process and reiterated in this revised section, a direction, condition or QIR will include a date by which evidence of compliance must be provided to the DES.</p>

Recommendations to ensure compliance with the 2013 Standards

Central to a school’s ability to comply with its obligations under the Non-Government Schools Registration Standards 2014 is its ability to demonstrate:

- That it has documented policies and procedures in place to meet specific obligations under the standards;
- That these policies and procedures have been effectively implemented; and
- That the school has developed a process of improvement through which the quality of its internal procedures are monitored and reviewed on a continuous basis.

CompliSpace is a governance consulting firm which specialises in working with WA non-government schools. CompliSpace has developed an [online tool](#) which allows a school to undertake a self assessment of its level of compliance with the 2014 Standards. Once this assessment has been completed your school will receive a report which highlights areas for improvement.

To find out more information about CompliSpace’s tailored governance, risk and compliance program for WA independent schools, call us on 08 9288 1826 or email contactus@complispace.com.au



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