

# REGULATION OF SCHOOL BOARDING FACILITIES

## CONSULTATION PAPER

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### OVERVIEW

The Victorian Government (Government) is committed to child safety.

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) identified school boarding facilities as high risk environments for child sexual abuse.

The Government will address risks identified by the Royal Commission to ensure Victorian children in school boarding facilities are protected.

As part of its response, the Government will extend the regulatory oversight of the Victorian Registration and Qualifications Authority (VRQA) to include boarding facilities associated with registered schools. The proposed changes will require school boarding facilities to be registered separately with the VRQA, to show they are meeting minimum requirements including Child Safe Standards (the Standards), and be subject to periodic reviews. This consultation paper outlines the background, rationale and details of the proposed changes.

### BACKGROUND

#### Child Safe Standards

The Victorian Government created the Standards in 2015 to promote child safety, help prevent child abuse and ensure proper responses to child abuse allegations. The Standards embed child safety in everyday thinking and practice. All Victorian organisations that provide services or facilities for children, including schools and school boarding facilities, must meet the Standards.

Victoria already has strong mechanisms in place to promote and protect children, however, more can be done so school boarding facilities are clear about their obligations and responsibilities to keep children safe.

#### The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission)

In 2013, the Commonwealth Government established the Royal Commission to inquire into and report on responses by institutions to instances and allegations of child sexual abuse in Australia. The Royal Commission released its Final Report on 15 December 2017.

The Royal Commission found a disproportionate number of incidences of abuse taking place in school boarding facilities. It noted that students in school boarding facilities are at higher risks of child sexual abuse for a variety of reasons.

The Royal Commission's Recommendation 13.3 stated that:

[s]chool registration authorities should place particular emphasis on monitoring government and non-government boarding schools to ensure they meet the Child Safe Standards. Policy guidance and practical support should be provided to all boarding schools to meet these standards, including advice on complaint handling.

The Victorian Government is committed to protecting all children in Victoria and accepted in principle Recommendation 13.3, and is taking steps to implement it.

## PROPOSED CHANGES

The Victorian Government will amend the *Education Training and Reform Act 2006* to extend the regulatory oversight of the VRQA to school boarding facilities.

This change addresses the Royal Commission's recommendation that school registration authorities place particular emphasis on boarding schools to ensure they meet the Standards. This will ensure school boarding facilities are monitored by the VRQA and meet their legal obligations to protect all children in their care.

The change is due to start in 2021, providing time for school boarding facilities to prepare.

### Who is affected?

All school boarding facilities will be affected by the proposed regulatory approach.

A school boarding facility refers to a facility that provides accommodation and services to students enrolled at a registered school. This includes day boarding services and non-school operators of boarding facilities, where students residing in the facility are enrolled at a registered school.

The proposed regulatory approach excludes the following arrangements:

- short-term camps;
- home arrangements;
- respite care;
- providers of English Language Intensive Courses for Overseas Students (ELICOS); and
- any other facilities already regulated by the Department of Health and Human Services and the Department of Justice and Community and Community Safety.

### What will change?

#### Requirement to be VRQA registered

Under the proposed regulatory approach, all school boarding facilities must be registered with the VRQA. It will be an offence to operate a school boarding facility without registration.

Registered schools operating school boarding facilities must register both the school and its school boarding facility/s. Non-school operated boarding facilities must also register with the VRQA.

School boarding facilities can be registered for up to five years at a time and will need to renew their registration every five years.

To reduce initial administration, all current school boarding facilities will be deemed as VRQA registered at the start of the proposed change, and must lodge:

- a self-assessment of its school boarding facility, indicating that it meets the Standards and other minimum requirements for registration; and
- a statutory declaration that the self-assessment is valid.

#### Minimum requirements for registration

To be registered, a school boarding facility must meet the Standards and other minimum requirements outlined in guidelines to be issued by the VRQA.

For registered schools, the requirements for boarding facilities will mirror compliance for school registration.

The Standards were developed by the Victorian Department of Health and Human Services and made by the Minister for Families and Children under the *Child Wellbeing and Safety Act 2005*. All Victorian

organisations that provide services or facilities for children, including boarding facilities, must meet the Standards.

Minimum requirements for registration of school boarding facilities will be adapted from the existing minimum standards for school registration in *the Education and Training Reform Regulations 2017* (incl. governance; care, safety and welfare of students; staff employment; infrastructure).

### **Subject to periodic review**

School boarding facilities will be subject to periodic review to ensure they continue to meet minimum requirements for registration. All school boarding facilities will be reviewed in the first three years from start of the change, and then as part of the existing school review cycle.

School boarding facilities will be reviewed at the same time as the existing school reviews and be carried out by the VRQA or the school's current school review body.

If a school with a school boarding facility does not have its school review scheduled in the first three years of the proposed change, it will have its school review brought forward at a time agreed to by the VRQA or the school's review body.

Where school boarding facilities are operated by a third party provider, the school boarding facilities will be reviewed at a time agreed to by the VRQA in the first three-year period.

The VRQA may choose to review a school boarding facility at any time for a risk assessment.

## **CONSULTATION**

The Department of Education and Training is consulting with relevant stakeholders regarding the proposed changes. Feedback may be provided as follows:

- **Online feedback survey**
  - An online survey can be completed at [www.bit.ly/detsurvey](http://www.bit.ly/detsurvey)
  - The survey will close 5pm, Wednesday 7 August 2019
- **Written submission**
  - A written submission can be sent to Jun Zhang, Senior Policy and Project Officer at [zhang.jun.j@edumail.vic.gov.au](mailto:zhang.jun.j@edumail.vic.gov.au)
  - Submissions will close 5pm, Wednesday 7 August 2019
- **Participation at an in-person consultation session**
  - Boarding or other facility/service providers are welcome to attend an in-person consultation session in Melbourne CBD to discuss the proposed changes:
    - **10:00am – 12:00pm, Tuesday, 30 July 2019**
    - **2:00pm – 4:00pm, Wednesday, 31 July 2019**
  - RSVP for more details by Wednesday, 24 July 2019 at [www.bit.ly/detconsultation](http://www.bit.ly/detconsultation)