



WA Registration Requirements Update

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

The information in this briefing paper is current as at November 2019

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1. Executive Summary

- ✓ In August 2019, the West Australian Minister for Education released updated “Standards for Non-Government Schools” ([2020 Standards](#)) that will take effect from 1 January 2020.
- ✓ The 2020 Standards will replace the “Standards for Non-Government Schools” in effect from July 2018 to 31 December 2019 (2018 Standards).
- ✓ The 2020 Standards contain 15 Standards, rather than the 17 in the 2018 Standards, and there has been significant revision to Standard 9: Complaints (previously Standard 11) and Standard 10: Preventing and Responding to Child Abuse (previously Standard 12).
- ✓ In September 2019, the Department of Education, Western Australia (DET) published the updated “Guide to Registration Standards and Other Requirements for Non-Government Schools” ([2020 Guide](#)).
- ✓ The 2020 Guide will replace the “Guide to Registration Standards and Other Requirements for Non-Government Schools” dated July 2018 (2018 Guide). The 12 chapters of the 2018 Guide have been consolidated into seven chapters in the 2020 Guide as part of a streamlining of the 2020 Guide.
- ✓ The 2020 Guide provides detailed guidance on the Director General of Education (Director General)’s considerations and expectations.
- ✓ Although all non-government schools (including Catholic system schools) must be compliant with the requirements of the 2020 Guide from 1 January 2020, note that:
 - schools whose registrations expire on or before 30 June 2020 will have their renewal applications assessed against the 2018 Standards
 - schools whose registrations expire on or after 1 July 2020 will have their renewal applications assessed against the 2020 Standards.
- ✓ The previous Standard 5: Premises and Standard 6: Facilities have been combined into a new Standard 5: Premises and Facilities.
- ✓ The previous Standard 7: The Number of Children in Each Year Level in the 2018 Standards has been removed in the 2020 Standards.
- ✓ Standard 7.1 (which is part of Standard 7: Critical and Emergency Incidents (previously Standard 9)) has been re-written and requires “reportable incidents” (a newly-defined term) to be included in a school’s critical and emergency incidents policies and procedures.
- ✓ Standard 8: Boarding (previously Standard 10) contains a new requirement (Standard 8.4) that boarders be consulted on all matters affecting their accommodation, recreation, support services, code of conduct, safety and wellbeing.
- ✓ Standard 9: Complaints (previously Standard 11) has been completely changed. It has a new key requirement for schools to implement a complaints handling system that satisfies each of the key action areas of Principles 6 and 9 of the National Child Safe Organisation Principles. The Guide no longer refers to *Australian Standard for Complaint Management in Organizations* [AS/NZS 10002:2014].
- ✓ Standard 10: Preventing and Responding to Child Abuse (previously Standard 12) has completely changed as it now refers to the National Child Safe Organisation Principles. It also refers to the Multi-Agency Protocol for Education Options for Young People Charged with Harmful Sexual Behaviours. This Protocol is not publicly available but can be provided to a principal if a student to whom the Protocol applies enrolls at the school.

The purpose of this briefing paper is to explain these changes and the actions that schools should be taking to comply with the 2020 Standards and the 2020 Guide as they move towards the 1 January 2020 effective date. The Department of Education WA has provided a document showing the changes between the 2018 Standards and the 2020 Standards. It can be found [here](#). However, it did not provide a comparison version showing the changes between the 2018 Standards and 2018 Guide and the 2020 Standards and the 2020 Guide. This briefing paper goes into detail on the structural changes in the 2020 Guide and the new requirements of the 2020 Standards.

Readers may refer to our previous School Governance articles: [Significant Changes to the Western Australian Registration Standards for Non-Government Schools Will Take Effect on and from 1 January 2020](#) and [Western Australian 2020 Guide Released](#).

2. Structure of the Standards and the Guide

The 2020 Standards contain 15 Standards whereas the 2018 Standards contained 17 Standards.

Generally, there are substantial changes to the way the 2020 Guide is structured compared to the 2018 Guide. The 2018 Guide was made up of 12 distinct chapters. These chapters have been consolidated into seven chapters in the 2020 Guide as part of a streamlining of the 2020 Guide by grouping relevant chapters together.

Chapters 1, 2, 3, 5 and 6 in the 2018 Guide have been combined into one chapter- Chapter 1 in the 2020 Guide. Chapters 9 and 11 in the 2018 Guide have been amalgamated into Chapter 6 in the 2020 Guide.

Chapter 2 of the Guide (Registration Standards) provides guidance in relation to compliance with the Standards.

The Guide performs several other functions. It:

- provides guidance in relation to the “other requirements for registration” listed in Section 160(1) of the School Education Act 1999 (WA) (Education Act) (Chapters 1, 3 and 4)
- provides information for schools who offer or are seeking to offer education to international students (Chapter 5).
- summarises the application process for initial registration, a registration change and renewal of registration (Chapter 6)
- summarises obligations imposed by the Education Act on governing bodies other than compliance with the Standards and the “other requirements” (Chapter 7).

There is a new section titled “Frequently Used Terms” in the “Using this Guide” section towards the beginning of the 2020 Guide. This replaces the larger “Terms Used” section in the 2018 Guide. There is a “Definitions” section at the end of the 2020 Standards. In Chapter 2 of the 2020 Guide the definitions relevant to the particular Standard are set out in the relevant section of Chapter 2.

The 2020 Standards and the 2020 Guide have been developed in consultation with the Association of Independent Schools of Western Australia and Catholic Education Western Australia.

3. Summary of Changes to the Standards

The table below provides a summary of the changes to the Standards.

Standard Reference	New Requirements	What Schools Should Do
Standard 1: Curriculum	No substantial changes. New definition of “individual education plan”.	Schools should be aware of this change.
Standard 2: Staff to Student Ratios	Minor changes in wording only. New definition of “working directly with students”.	Schools must be familiar with these changes to fully understand the revised extent of their compliance obligations.
Standard 3: Days and Hours of Instruction	There are some new requirements. Standard 3.1 now specifies the requirement for a non-government school to provide at least the minimum hours of instruction prescribed for government schools applies to each year level from Kindergarten to and including Year 10. There is a new Standard 3.2 that, broadly, requires that students in Pre-Primary who are undertaking an alternative curriculum (which is newly defined) must have at least 15 hours of instruction per week. There is a new Standard 3.4 that, broadly, sets out that the hours of instruction for Year 11 and 12 students are as required by the School Curriculum and Standards Authority or other qualification-awarding authority.	Schools must be familiar with these changes to fully understand the revised extent of their compliance obligations.
Standard 4: Staff	The specific reference to grooming has not been included and instead more general wording is used. Grooming is now referred to in the definition of “reportable incidents” (discussed below).	Schools should be aware of these changes.
Standard 5: Premises and Facilities	The previous Standard 5: Premises and Standard 6: Facilities have been combined into a new Standard 5: Premises and Facilities. There are no material changes.	Schools should be aware of this change.
Standard 6: Enrolment and Attendance	The specific reference to “including the prohibition of unlawful discrimination” has been removed from the requirement that student enrolment and attendance procedures comply with all legal requirements.	This change won’t affect what schools must do in practice as they will still be required to not unlawfully discriminate.
Standard 7: Critical and Emergency Incidents	Standard 7.1 (which is part of Standard 7: Critical and Emergency Incidents (previously Standard 9)) has been re-written and requires “reportable incidents” (a newly-defined term) to be included in a school’s critical and emergency incidents policies and procedures.	Schools should update their register for critical incidents to include the new definition.
Standard 8: Boarding	There is a new requirement (Standard 8.4) that boarders be consulted on all matters affecting their accommodation, recreation, support services, code of conduct, safety and wellbeing.	Schools should be aware of this new requirement and update their policies, procedures and staff training accordingly.

Standard Reference	New Requirements	What Schools Should Do
<p>Standard 9: Complaints Management</p>	<p>This Standard has been completely changed. It now refers and benchmarks its approach to complaints to the National Child Safe Organisation Principles.</p> <p>Schools must now:</p> <ul style="list-style-type: none"> • satisfy each of the key action areas of Principles 6 and 9 of the National Child Safe Organisation Principles • have a complaints handling system that conforms to the rules of procedural fairness and includes a system for review • publish information to the school community about the role of the Director General of the DET in monitoring the school’s compliance with the Standards including Standards 9.1. and 9.2 and their authority to respond to instances of non-compliance. <p>There are three new definitions:</p> <ul style="list-style-type: none"> • complaint • National Child Safe Organisation Principles • rules of procedural fairness. <p>The 2020 Guide no longer refers to the <i>Australian Standard for Complaint Management in Organizations</i> [AS/NZS 10002:2014].</p>	<p>Schools should be aware of these new requirements and update their policies, procedures and staff training accordingly.</p>
<p>Standard 10: Preventing and Responding to Child Abuse</p>	<p>This Standard has been completely changed. Standard 10 now refers and benchmarks its approach to child safety to the National Child Safe Organisation Principles.</p> <p>Standard 10.3 also requires the school to co-operate in the Multi-Agency Protocol for Education Options for Young People Charged with Harmful Sexual Behaviours and implement a risk assessment and management plan for any such young person enrolled at the school. The Multi-Agency Protocol for Education Options for Young People Charged with Harmful Sexual Behaviours isn’t publicly available at the date of publication of this Briefing Paper so it’s unclear what it contains. It is however available to a principal if a student to whom the Protocol applies is enrolled at the school.</p> <p>There are a number of other requirements in this Standard.</p>	<p>Schools should be aware of these new requirements and update their policies, procedures and staff training accordingly.</p>
<p>Standard 11: Financial Resources</p>	<p>There is a new definition of “financially viable”.</p>	<p>Schools should review the new definition and update policies if required.</p>
<p>Standard 12: Management of Students’ Behaviour</p>	<p>Reference to the Staff Code of Conduct has been removed. There are new definitions of “emotional abuse”, “psychological abuse” and “rules of procedural fairness”.</p>	<p>Schools should review the new definitions and update policies if required.</p>
<p>Standard 13: Minimum Age</p>	<p>There is a new definition of “enrolled”.</p>	<p>Schools should review the new definition and update</p>

Standard Reference	New Requirements	What Schools Should Do
of Enrolment		policies if required.
Standard 14: Delivery of the Curriculum	There is a new definition of “unable to attend”.	Schools should review the new definition and update policies if required.
Standard 15: Numbers of Children Enrolled	No changes.	No action required.

4. Changes to definitions in the Standards and the Guide

New Definitions in the Standards

- Actively working towards
- Alternative curriculum (different to the definition in the 2020 Guide)
- Approved
- Complaint
- Emotional abuse
- Example code of conduct
- First year of their compulsory education period
- Individual education plan
- Multi-Agency Protocol for Education Options for Young People Charged with Harmful Sexual Behaviours
- National Child Safe Organisation Principles
- Psychological abuse
- Reportable incidents
- Rules of procedural fairness
- Time for instruction
- Unencumbered
- Working directly with students.

Additional New Definitions in the Guide

- Alternative curriculum (different to the definition in the 2020 Standards)
- Approved qualification
- Bullying and harassment
- Conflicts of interest
- Contemporaneous record
- Culturally-appropriate
- Duty of care
- Enrolled
- Enrolment
- Financially viable
- Fit for purpose
- Full fee paying overseas student (international student)
- Good faith
- Legal requirements-enrolment register
- Legal requirements-immunisation
- Legal requirements-student record
- Legal requirements-attendance
- Legal requirements-ceasing enrolment
- Legal requirements-retention of records
- Legal requirements-anti- discrimination legislation
- Primary and secondary visa holders
- Principle 6 key action areas
- Principle 9 key action areas
- Regular volunteer
- Required by SCSA
- Supervisory staff
- Time for instruction (expanded definition compared to the Standards)
- Trauma
- Unable to attend
- Unencumbered space.

Definitions Removed from the 2020 Standards

- Minimum hours of instruction
- Unlawful discrimination.

5. Key Changes to the Guide

Chapter 1 – School Governance

This Chapter is based on the “other requirements for registration” listed in paragraphs (a), (b), (c), (e) and (f) of Section 160(1) of the Education Act. There was a chapter for each of these paragraphs in the 2018 Guide but Chapters 1,2,3,5 and 6 in the 2018 Guide have been combined into Chapter 1 in the 2020 Guide. As part of the consolidation the information in relation to these requirements has been streamlined.

There is a “Note”, “Evidence related to governance” and “Definitions” section at the end of this Chapter that applies to all of the requirements rather than there being a “supportive evidence” section in relation to each requirement. In the “Definitions” section there are new definitions of “duty of care” and “conflicts of interest”.

There are also some changes in Chapter 1 in relation to the “other requirements for registration” listed in paragraphs (a), (b), (c), (e) and (f) of Section 160(1) of the Education Act as follows:

- The guidance in relation to the interpretation of the terms, “ownership”, “management” or “control” have been removed in the 2020 Guide.
- There are no Director-General’s considerations for this requirement. There are however the following statements:
 - accountability is more likely to be associated with management and control
 - each case is assessed in its own context and on the evidence that can be provided to satisfy the Director General.
- Reference to two of the purposes of the Education Act (Sections 160(1)(a) and (b)) have been removed.
- The paragraph that says that governing body members whose usual duties at the school involve or are likely to involve “child-related work” should have a working with children check has been removed.
- The list of legislation and standards in the 2018 Guide (in relation to the requirement of accountability in relation to “all written and other laws”) is not in the 2020 Guide.

Chapter 2 – Registration Standards

Section 6 of this briefing paper explains the key changes to the 2020 Standards.

Chapter 3 – Standard of Education

Chapter 3 (previously Chapter 7) is based on paragraph (g) in Section 160(1) of the Education Act which is one of the “other requirements for registration”.

The “Evidence related to the standard of education” in the 2020 Guide is more expansive than the “supporting evidence” in the 2018 Guide. There is a new list of factors that would indicate when confidence in the school’s capacity to provide a satisfactory standard of education will be undermined.

Chapter 4 – Levels of Care

Chapter 4 (previously Chapter 8) is based on paragraph (h) in Section 160(1) of the Education Act which is one of the “other requirements for registration”.

The length of this chapter has been substantially reduced. Most of the guidance has been removed. Child-safe environment policies and procedures and student recruitment policy and procedures have been removed from the list of items that may be requested during or following a school visit under “evidence”. There is however a new list of factors that would indicate when confidence in the school’s capacity to provide a satisfactory standard of education will be undermined.

Chapter 5 – International Students

Chapter 5 (previously Chapter 10) includes reference to the 2019 ESOS Regulations.

Chapter 6 – The Application Process

Chapter 6 amalgamates Chapter 9 (School Planning Proposal) and Chapter 11 (The Application Process). Other than the amalgamation itself there are no significant changes. However, the [application form](#) (which is not referred to in the Chapter) has been significantly updated and is far more comprehensive in its requirements.

Chapter 7 – Other Governing Body Obligations

No substantive changes made.

6. Key Changes to the Standards

This section discusses the Standards with the most significant changes. It does not refer to the Standards with only minor changes.

Standard 3: Days and Hours of Instruction

Standard 3 (Days and Hours of Instruction) contains some new requirements as follows:

- Standard 3.1 now specifies that the requirement for a non-government school to provide at least the minimum hours of instruction prescribed for government schools applies to each year level from Kindergarten to and including Year 10.
- There is a new Standard 3.2 that, broadly, requires that students in Pre-Primary who are undertaking an “alternative curriculum” (which is newly defined) must have at least 15 hours of instruction per week.
- There is a new Standard 3.4 that, broadly, sets out that the hours of instruction for Year 11 and 12 students are as required by the School Curriculum and Standards Authority or other qualification-awarding authority.

Notes

The Guide states that Standard 3.3. (which sets out a maximum number of hours of 25 hours and 50 minutes for Pre-Kindergarten) does not prevent a school for providing Pre-Kindergarten for fewer hours per week. This guidance was in the Explanatory Notes to Standard 15 (Minimum Age of Enrolment) in the 2018 Guide.

Standard 4: Staff

Standard 4 (Staff) has been updated as follows:

- Standard 4.3: The previous Standard 4.2 (d) (which deals with keeping records of the person responsible for each class/working with students) has become Standard 4.3 and has been re-worded.
- Standard 4.4: The previous Standard 4.3 and Standard 4.4 have been combined to create an updated Standard 4.4. Some of the wording of the previous Standard 4.3 (which provides some detail about what the Code of Conduct must contain) has been added to the updated Standard 4.4 e.g. the specific reference to grooming has not been included and instead more general wording is used. Grooming is now referred to in the definition of “reportable incidents” (discussed below). The updated Standard 4.4 also contains the words “at least” when referring to what the school must do in relation to an induction. “Code of Conduct” is no longer a defined term in the 2020 Standards but “Example Code of Conduct” is used in the definitions.

Notes and Definitions

Some of the information in the Explanatory Notes section of this Chapter in the 2018 Guide has been included as part of definitions in the 2020 Guide. There is a new definition of “contemporaneous record” which has additional information not found in the 2018 Guide. There is also a new definition of “working directly with students” in relation to Pre-Kindergarten and Kindergarten.

Standard 5: Premises and Facilities

The Guidance has been significantly reduced and changed.

Standard 6: Enrolment and Attendance Procedures

The Definitions section refers to the new legal requirements about details to be contained in an enrolment register including a student's Medicare number and the recording of the immunisation status of every new student enrolled, collecting current immunisation history statements on enrolment and not enrolling students who are younger than the age determined by the Education Act for the commencement of their 'compulsory schooling' period who are not exempt or do not provide the required immunisation-related information.

Standard 7: Critical and Emergency Incidents

Standard 9: Critical and Emergency Incidents has been moved up to be Standard 7. The previous Standard 9.1 has been re-written as part of the move to Standard 7.1. "Reportable incidents", which is a newly defined term, must now be included in a school's critical and emergency incidents policy and procedures.

Notes and Definitions

"Reportable incidents" include:

- the receipt of a complaint or allegation of recent or past child abuse including sexual abuse committed against a student by a staff member, another student or another person
- a formal warning to or ceasing the employment of a staff member for a breach of the Code of Conduct that involves grooming behaviour.

All critical and emergency incidents must be reported to the school's governing body. A "subset" of these, i.e. reportable incidents, must also be reported by the governing body to the Director General on an approved form.

Director General's considerations

There is a new section about the "Best interests of students" that refers to guidance from the United Nations Committee on the Rights of the Child.

Standard 9: Complaints

Standard 11: Complaints has been moved up to be Standard 9 and has been completely changed. The key changes are:

- it has a new key requirement for schools to implement a complaints handling system that satisfies each of the key action areas of Principles 6 and 9 of the National Child Safe Organisation Principles. (Principle 6 is "processes to respond to complaints and concerns are child focused. Principle 9 is "implementation of the national child safe principles is regularly reviewed and improved")
- the updated Standard 9 also requires the school's complaints handling system to conform to the rules of procedural fairness and include a system for review
- the school is also required to publish information to the school community about the role of the Director General of the DET in monitoring the school's compliance with the Standards including Standards 9.1. and 9.2 and their authority to respond to instances of non-compliance
- the Guide no longer refers to the *Australian Standard for Complaint Management in Organizations* [AS/NZS 10002:2014].

Note

The 2020 Guide has a note that the National Office of Child Safety has produced a guide (to which there is a link) to complaints handling consistent with the National Child Safe Organisation Principles.

Definitions

There are three new definitions as follows:

- complaint
- National Child Safe Organisation Principles
- rules of procedural fairness.

Director General's considerations

Complaint Format

There is some guidance about the different ways that complaints should be able to be made, in particular by students, and a requirement that anonymous complaints must be accepted, recorded, evaluated and actioned to the extent possible.

Complaint Handling and Recording

There is some guidance about what the published complaints policy should clearly outline including in relation to the requirements of key action areas 9.1 and 9.2 and the details to be included in a complaints register.

Culturally Safe Complaints Management

There is information about what this term means, with reference to the Royal Commission into Institutional Responses to Child Sexual Abuse's reports and papers.

Role of the Director General

There is a statement that schools are required to publish information about the role of the Director General and the recommended wording is provided.

Standard 10: Preventing and Responding to Child Abuse

Standard 12: Preventing and Responding to Child Abuse has been moved up to be Standard 10. This Standard has also completely changed. It has been expanded from three to 10 paragraphs. The key changes are as set out below.

- Significantly, Standard 10 now refers and benchmarks its approach to child safety to the National Child Safe Organisation Principles. For example, Standard 10.1 states that "The school implements the National Child Safe Organisation Principles" and Standard 10.4 requires that the school implements a Code of Conduct that is consistent with the National Child Safe Organisation Principles. The 2020 Guide does not elaborate further in relation to how schools must comply with the National Child Safe Organisation Principles.
- Standard 10.3 requires the school to co-operate in the Multi-Agency Protocol for Education Options for Young People Charged with Harmful Sexual Behaviours and implement a risk assessment and management plan for any such young person enrolled at the school. The Multi-Agency Protocol for Education Options for Young People Charged with Harmful Sexual Behaviours isn't publicly available at the date of publication of this Briefing Paper so it's unclear what it contains. It is however available to a principal if a student to whom the Protocol applies is enrolled at the school.
- There are a number of other requirements in this Standard that seek to ensure that schools are child safe including that there be "learning opportunities" for staff, governing body members and regular volunteers at least annually in relation to child safe matters, that all students receive a "protective behaviours and sexual abuse prevention education" that meets specifically outlined criteria, that parents and guardians are informed about the school's codes of conduct and that the school responds to complaints and allegations of grooming and child abuse in accordance with particular stated requirements.

CompliSpace works with schools across every Australian jurisdiction to help them to manage their child safety legal and compliance obligations. We have developed nationally compliant child safety programs which enable schools to meet their state/territory and national obligations, including compliance with the National Child Safe Organisation Principles.

Notes

The 2020 Guide refers, and provides links, to the resources developed by the Australian Human Rights Commission (AHRC), the National Office of Child Safety and the Commissioner for Children and Young People WA. It also refers to the Records Retention & Disposal Schedule for Non-Government Schools published by the Australian Society of Archivists.

The 2020 Guide also sets out that:

- for the purpose of Standard 10.4(a) (which requires the school's Code of Conduct to be consistent with the example Code of Conduct published by the Australian Human Rights Commission (AHRC)):
- the Code of Conduct is to identify by name or role the designated senior staff member, if any, to whom reports of breaches of the Code of Conduct can be or must be made
- it advises schools that they may, should they wish to do so, require teachers and other mandatory reporters to inform the governing body chair, Principal or a designated senior staff member when they have made a mandatory report and to provide the report number, date and details in confidence. The recipient of that information must not reveal the identity of the mandatory reporter.
- for the purpose of Standard 10.9(a) (records of complaints, allegations and findings related to grooming and child abuse needing to contain as much detail as possible) schools are reminded that it is not within their remit to investigate allegations of child abuse. Where the alleged victim is a child, such an allegation will be the subject of a mandatory report in the case of sexual abuse or a child protection concern in the case of other forms of abuse and neglect. Where the alleged victim is now an adult, they should be referred to WA Police. Investigation by the school may taint a subsequent investigation by the appropriate authorities. This has implications for the amount of detail which a school's record can or ought to contain. It is to contain as much detail as possible within these constraints.

Director General's considerations

Consultation with students

The Guide sets out what a satisfactory consultation with students will involve for the purpose of Standards 10.2 and 10.7. Broadly it means informing, providing information, offering the students a choice of methods to communicate their individual and collective views and giving due consideration to the opinions expressed.

Records

For the purpose of records made in accordance with Standard 10.9, schools should implement the Records Retention & Disposal Schedule for Non-Government Schools published by the Australian Society of Archivists. Schools must purchase the Schedule. The Schedule advises that reasonable steps be taken to ensure information is stored appropriately and is protected from misuse, modification, unauthorised access or disclosure; and records required as part of an investigation, inquiry or legal process be identified, preserved and not be disposed of. The State Records Act does not apply to the records while they remain in the school's custody.

The Guide states that the inconvenience of retaining school records will not justify a school in destroying them contrary to the Standard or in seeking their transfer to the Director General. Retention by the school will only be deemed impracticable or unduly onerous if the school closes or can establish that retention in an appropriate format would significantly affect its financial viability. Further, the Director General expects that records a school seeks to transfer to her are appropriately indexed for ease of retrieval by student's name, alleged perpetrator's name and year.

Regular Review of Policies and Procedures

For the purpose of Standards 10.2 and 10.7, a review every second year will be reasonable in the case of most school policies and procedures provided that an earlier review is undertaken as a matter of course whenever a complaint, incident or other information indicates there has been a policy or procedural failure.

Standard 14: Delivery of the Curriculum

Standard 14.1 (previously Standard 16.1) now includes a reference due to "diagnosed physical or mental illness or disability" whereas the previous Standard 16.1 only said "illness".

Director General's considerations

There is new guidance in relation to the following:

- if learning support or extension needs cannot be met
- what is meant by:
 - cultural needs
 - spiritual needs
 - unreasonable travel time
 - temporarily living or travelling overseas
 - elite performance
 - diagnosed illness
 - other special circumstances.

Standard 15: Number of Children Enrolled

Note

The Note cross-refers to a number of additional Standards that are relevant to CARE schools.

7. What Should Schools Be Doing?

Schools should review the 2020 Standards and the 2020 Guide in their entirety, paying particular attention to the new and significantly changed Standards.

Schools should then conduct an internal audit of current policies, procedures and work practices and undertake a gap analysis against the variations to their obligations set out in the legislation, the 2020 Standards and the 2020 Guide. The outcome of this gap analysis will determine the adjustments needed to ensure compliance.

With the release of the 2020 Standards and 2020 Guide some schools may find themselves in an uncomfortable position of not being compliant with the 2018 Standards and Guide requirements and now, having to catch up to the 2020 Standards and 2020 Guide. It is imperative that a gap analysis is undertaken as soon as possible to prepare for 2020 registration dates.

The 2020 Guide states:

“Although all non-government schools (including Catholic system schools) must be compliant with the requirements of the 2020 Guide from 1 January 2020, note that:

- schools whose registrations expire on or before 30 June 2020 will have their renewal applications assessed against the 2018 Standards
- schools whose registrations expire on or after 1 July 2020 will have their renewal applications assessed against the 2020 Standards.”

We believe that this statement may be confusing for schools that are due for renewal of registration prior to 1 July 2020 as they are required to be assessed under the 2018 Standards, yet they are still required to comply with the 2020 Standards from 1 January. Schools whose registration renewal is due after 1 July 2020 may also need to update their policies from 1 January.

Therefore, we suggest that schools may wish to contact the DET to ask to receive clear advice regarding the process and the requirement to provide documentation that evidences their compliance with the relevant Standards.

8. How CompliSpace Can Help

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.

CompliSpace has developed a detailed Registration Compliance Module that systematically addresses each of the requirements in the 2020 Standards and the 2020 Guide. We have undertaken a substantial review of our Child Protection and Complaints Handling content and updated them to ensure compliance with the new requirements.

CompliSpace has also developed an additional Overseas Students Module to help schools address each of the National Code 2018 requirements for CRICOS registration and overseas students, in line with Chapter 5 of the 2020 Guide.

CompliSpace works with schools to tailor compliance and risk management systems to a school's individual needs and characteristics, ensuring meaningful compliance with their legal and regulatory obligations.

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

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