



# **Registered and Accredited Individual Non-government Schools (NSW) Manual**

May 2011 (incorporating changes  
from 2004 to 2011)

Please note: Amendments to the manual are noted, as they take effect, in the Official Notices of the Board Bulletin. The most up-to-date manual at any time is available on the Board's website [www.boardofstudies.nsw.edu.au](http://www.boardofstudies.nsw.edu.au).

**Original published version updated:**

July 2005 – Board Bulletin/Official Notices Vol 14 No 4 (BOS 29/05)  
November 2005 – Board Bulletin/Official Notices Vol 14 No 6 (BOS 44/05)  
September 2006 – Board Bulletin/Official Notices Vol 15 No 5 (BOS 42/06)  
July 2007 – Board Bulletin/Official Notices Vol 16 No 3 (BOS 42/07)  
October 2007 – Board Bulletin/Official Notices Vol 16 No 4 (BOS 56/07)  
February 2008 – Board Bulletin/Official Notices Vol 17 No 1 (BOS 14/08)  
November 2008 – Official Notice BOS 53/08  
February 2010 – Official Notice BOS 05/10  
May 2011 – Official Notice BOS 13/11

The Board of Studies reserves the right to make amendments to the Manual at any time where additional information/clarification regarding policies or procedures is required. The current version of the Manual will be maintained on the Board's website. Schools will be advised of significant changes when they occur.

© Board of Studies NSW 2011

Staff in schools, colleges and tertiary institutions may reproduce this publication for bona fide purposes free of remuneration.

Published by Board of Studies NSW

GPO Box 5300

Sydney NSW 2001

Australia

Tel: (02) 9367 8111

Fax: (02) 9367 1482

Internet: [www.boardofstudies.nsw.edu.au](http://www.boardofstudies.nsw.edu.au)

First published June 2004

Reprinted December 2006

Updated July 2007

Updated October 2007

Updated February 2008

Updated November 2008

Updated February 2010

Updated May 2011

ISBN 1 7414 7438 8

*2008762 (QuarkXPress version November 2008)*

*2009903 (Microsoft Word version January 2010)*

*20110446 (Microsoft Word version May 2011)*

# Contents

<b>1</b>	<b>Introduction .....</b>	<b>5</b>
1.1	Responsibilities of the Minister for Education in relation to the registration of non-government schools .....	5
1.2	Responsibilities of the Board of Studies in relation to the registration and accreditation of non-government schools .....	6
<b>2</b>	<b>Legislative Basis for the Registration and Accreditation of Non-government Schools. 8</b>	
2.1	Definition of a registered non-government school .....	8
2.2	Objects for the administration of the Act.....	8
2.3	The role of the Board in the registration and accreditation process .....	9
2.4	The registration process .....	10
2.5	Conducting an unregistered school .....	14
2.6	The accreditation process.....	14
2.7	Conducting a school that is not accredited.....	17
<b>3</b>	<b>Requirements for Registered Non-government Schools.....</b>	<b>18</b>
3.1	Proprietor and principal of the school .....	18
3.2	Staff .....	19
3.3	Curriculum.....	23
3.4	Premises and buildings.....	29
3.5	Facilities .....	30
3.6	Safe and supportive environment .....	31
3.7	Discipline.....	34
3.8	Attendance .....	36
3.9	Management and operation of the school .....	37
3.10	Educational and financial reporting.....	42
3.11	Schools with boarding facilities .....	46
<b>4</b>	<b>Provisional Registration including Initial Registration .....</b>	<b>50</b>
4.1	Initial registration.....	50
4.2	Concern about compliance with the requirements for registration .....	58
<b>5</b>	<b>Requirements for Accredited Non-government Schools.....</b>	<b>60</b>
5.1	Curriculum for the School Certificate .....	60
5.2	Curriculum for the Higher School Certificate .....	62
5.3	Quality of the educational program.....	63
<b>6</b>	<b>Provisional Accreditation including Initial Accreditation .....</b>	<b>66</b>
6.1	Initial accreditation .....	66
6.2	Concern about compliance with the requirements for accreditation.....	68
<b>7</b>	<b>Registration and Accreditation Procedures.....</b>	<b>70</b>
7.1	Submission of applications and documentation.....	70

7.2	Overview of the Board's process .....	70
7.3	Procedures.....	71
<b>8</b>	<b>Refusal, Non-renewal or Cancellation of Registration and Accreditation .....</b>	<b>75</b>
8.1	Process leading to refusal, non-renewal or cancellation of registration of a non-government school.....	75
8.2	Process leading to refusal, non-renewal or cancellation of accreditation of a non-government school.....	76
<b>9</b>	<b>Appeals for Review of Certain Decisions .....</b>	<b>77</b>
9.1	Refusal, non-renewal or cancellation of registration and/or accreditation.....	77
9.2	Reduction in the duration of registration and/or accreditation .....	77
9.3	Limitation or cessation of registration .....	78
9.4	Rejection of an application to modify part of a Board syllabus.....	79
<b>10</b>	<b>Glossary .....</b>	<b>81</b>
<b>11</b>	<b>Appendices .....</b>	<b>86</b>
11.1	Appendix 1 – Curriculum Guidelines .....	86
11.2	Appendix 2 – Information About Other Legislation .....	92

# 1 Introduction

The *Registered and Accredited Individual Non-government Schools (NSW) Manual* provides information about the requirements for registered and accredited non-government schools under the *Education Act 1990* (NSW).

**Registration** is a non-government school's licence to operate. The main purpose of registration is to ensure that the requirements of the Education Act are being, or will be, met.

**Accreditation** authorises a non-government school to nominate candidates for the award of the School Certificate and/or the Higher School Certificate. The main purpose of accreditation is to ensure that the requirements for the School Certificate and/or the Higher School Certificate are being, or will be, met.

This Manual provides details about:

- the responsibilities of the Minister for Education in relation to the registration of non-government schools
- the responsibilities of the Board of Studies NSW in relation to the registration and accreditation of non-government schools
- the legislative basis for the registration and accreditation of non-government schools
- requirements for registered schools and evidence of compliance with the requirements
- requirements for accredited schools and evidence of compliance with the requirements
- procedures for applying for registration and/or accreditation
- procedures for refusal, non-renewal or cancellation of a school's registration and accreditation
- making an appeal against a decision or recommendation
- application forms
- other relevant information and a glossary.

The Manual should be read in conjunction with the Education Act and, as applicable, Board of Studies syllabuses, the Board of Studies' *Assessment, Certification and Examination (ACE) Manual*, and Board of Studies Official Notices.

The Education Act is amended from time to time and registered and accredited schools need to be aware that they must abide by the current Act and all its amendments.

## 1.1 Responsibilities of the Minister for Education in relation to the registration of non-government schools

Under the Education Act, the Minister for Education has the authority to:

- approve the registration of an individual non-government school or proposed individual non-government school
- approve the formation of a system of non-government or proposed non-government schools, and
- approve the registration of non-government schools within an approved registration system

provided that, in each case, the relevant requirements of the Act are met.

The Minister approves the registration of a non-government school for specific Years of schooling for a specific period of time.

## **1.2 Responsibilities of the Board of Studies in relation to the registration and accreditation of non-government schools**

The Board of Studies is responsible for making recommendations to the Minister about the registration of individual non-government schools, the approval of a registration system of schools and the registration of non-government schools within approved registration systems. The Board is also responsible for accrediting registered non-government schools if the requirements of the Education Act relating to courses of study to be undertaken by candidates for the School Certificate and/or Higher School Certificate are being, or will be, met. The Board usually accredits a non-government school in Years of schooling for a period of time corresponding to the period of registration of the school.

The Board's activities, therefore, involve both setting the regulatory and accountability requirements of the Act for non-government schools and oversight of compliance with these requirements. The regulatory and accountability requirements of the Act are detailed in this Manual. They represent the minimum standards to be met for a school to be granted a licence to operate.

The requirements focus not only on the curriculum and its delivery but also on policies and procedures that foster the provision of a safe and supportive environment in which students can develop their educational potential. In addition, these requirements assist schools by stating the range of policies and procedures that need to be in place to demonstrate compliance with the Education Act.

The requirements for registered non-government schools relate to:

**Corporate governance** – schools must be constituted as or conducted by legal entities that are accountable for their contractual obligations. Proprietors, members of governing bodies and principals are required to demonstrate accountability in terms similar to those applying to members of other public or corporate bodies.

**Teaching standards** – schools should have the capacity to deliver the courses of study for which they are registered and accredited with a high standard of quality teaching. The *NSW Institute of Teachers Act 2004* has set professional teaching standards. Teacher accreditation processes against these standards are administered by the NSW Institute of Teachers.

**Student welfare** – schools are required to demonstrate that they have in place policies and procedures to provide for the mental, physical and emotional wellbeing of students.

**Educational programs** – schools are required to base their courses of study on the outcomes of Board syllabuses, address the developmental needs of students and assist students to achieve their educational potential.

**Boarding facilities** – schools that operate boarding facilities are required to demonstrate that they have in place policies for the safety and welfare of boarders.

**Public reporting** – schools are required to participate in annual reporting to their communities against ‘core’ educational and financial measures.

As the regulatory body, the Board of Studies needs to be assured that a non-government school meets the requirements of the Act. To assist in making recommendations to the Minister as to whether a school meets the requirements of the Act, the Board has developed explanatory text and an outline of the evidence of compliance in relation to each requirement.

In considering the evidence of compliance provided by a school the Board recognises that non-government schools vary in their philosophy, ethos and practice. While the requirements of the Act need to be met, it is anticipated that the range of policies and procedures that a school has in place will vary and the content will reflect the context and philosophy of the school.

The Office of the Board of Studies administers the non-government school registration and accreditation program under delegation from the Board of Studies.

The registration and accreditation process involves dialogue between schools and personnel at the Office of the Board of Studies including Board Inspectors. Board Inspectors have a statutory role in assessing whether a school complies with the requirements for registration and accreditation.

In carrying out its responsibilities in relation to registration and accreditation of non-government schools, the Office of the Board is committed to complying with the *Privacy and Personal Information Protection Act 1998 (NSW)*. It is also mindful of confidential matters related to the business affairs of schools. The Information Protection Principles detailed in Sections 8 and 9 of the *Privacy and Personal Information Protection Act* set the privacy standards that the Office of the Board of Studies is required to follow when dealing with personal information. The Office’s Privacy Management Plan describes how the Office complies with the Information Protection Principles in relation to personal information supplied by proposed schools and by registered and accredited schools in complying with the requirements of the Education Act. The Privacy Management Plan is available on the Board’s website [www.boardofstudies.nsw.edu.au](http://www.boardofstudies.nsw.edu.au).

General information about the registration and accreditation process is available on the Board’s registration and accreditation website [www.schoolregistration.nsw.edu.au](http://www.schoolregistration.nsw.edu.au). For specific inquiries about applications for initial registration and/or accreditation or for renewal of registration and/or accreditation of individual non-government schools the Office of the Board of Studies may be contacted on (02) 9367 8111 or email [CustomerLiaison@boardofstudies.nsw.edu.au](mailto:CustomerLiaison@boardofstudies.nsw.edu.au).

## 2 Legislative Basis for the Registration and Accreditation of Non-government Schools

The *Education Act 1990* provides for the registration and accreditation of government schools, individual non-government schools and non-government schools within a registration system. An updated version of the *Education Act 1990* can be found on [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### 2.1 Definition of a registered non-government school

The Education Act defines a registered non-government school as a school, other than a government school, registered under Part 7 of the Act. In undertaking its responsibilities under the Act, the Board of Studies requires a registered non-government school to:

- have as its major activity the provision of education, either primary or secondary (or both) or of a kind, or for children of a kind, prescribed by the Regulations
- be responsible for an educational program based on the Board's syllabuses if registered only, or the Board's curriculum and assessment requirements if registered and accredited
- have a principal (or equivalent) responsible for its day-to-day operation.

The term 'school' includes institutions registered for the compulsory years of schooling, institutions granted exemption from registration under Section 75 of the Act, and those institutions registered for post-compulsory years, or granted exemption from registration under Section 75 of the Act, provided that the institution is accredited to offer courses that lead to the award of the Higher School Certificate.

The term 'school' does not include preschools, long day-care centres, pre-primary classes in or attached to schools, referral centres for short-term remediation, senior technical colleges, evening colleges, continuation classes and institutions such as business or coaching colleges and community languages schools. This does not preclude locating such facilities on school premises.

The Act requires that schools be registered or meet the requirements for registration if a Certificate of Exemption from registration is granted under Section 75.

### 2.2 Objects for the administration of the Act

As described in the 'Objects for administration' of the Education Act, it is the intention of Parliament that every person concerned in the administration of the Act or of education for children of school age in New South Wales have regard (as far as is practicable or appropriate) to the following objects:

- assisting each child to achieve his or her educational potential
- encouraging innovation and diversity within and among schools
- provision of an education for children that gives them access to opportunities for further study, work or training
- mitigating educational disadvantages arising from the child's gender or from geographic, economic, social, cultural, linguistic or other causes
- provision of an education for Aboriginal children that has regard to their special needs

- development of an understanding of Aboriginal history and culture by all children
- provision of an education for children from non-English speaking backgrounds that has regard to their special needs
- recognition of the special problems of rural communities, particularly small and isolated communities
- provision of opportunities to children with special abilities
- provision of special educational assistance to children with disabilities
- development of a teaching staff that is skilled, dedicated and professional
- provision of opportunities for parents to participate in the education of their children
- provision of an education for children that promotes family and community values.

Further, the 'Objects for administration' of the Education Act also provides for courses of study required by this Act for the Higher School Certificate with regard to the following objects:

- to provide a curriculum structure that encourages students to complete secondary education
- to foster the intellectual, social and moral development of students, in particular by developing
  - their knowledge, skills, understanding and attitudes in the fields of study they choose
  - their capacity to manage their own learning
  - their desire to continue learning in formal or informal settings after school
  - their capacity to work with others
  - their respect for the cultural diversity of Australian society
- to provide a flexible structure within which students can prepare for
  - further education and training
  - employment
  - full and active participation as members of the community
- to provide formal assessment and certification of students' achievements
- to provide a context within which schools also have the opportunity to foster the physical and spiritual development of students.

## **2.3 The role of the Board in the registration and accreditation process**

Section 99 of the Education Act establishes the Board of Studies as a corporation and section 102 confers numerous powers on the Board. The functions of the Board of Studies under section 102 of the Act include providing advice and making recommendations to the Minister about the registration of non-government schools and making decisions about the accreditation of non-government schools under Parts 7 and 8 of the Act respectively.

Section 103 of the Act allows the Board of Studies to create committees to assist in exercising its functions. Section 119 of the Act allows the Board to delegate its powers under the Act to a person or a body, such as a committee. The Registration Committee of the Board of Studies is one such committee. The Board of Studies has delegated to this committee its functions concerning the registration and accreditation of non-government

schools. The Registration Committee exercises its delegation from the Board within the Board's policies.

**Note:** All references in this Manual to the Registration Committee making recommendations to the Minister concerning registration or decisions concerning accreditation are based on the Registration Committee exercising the Board's delegation on registration and accreditation matters within prevailing Board policies. The process of review by the Board of decisions or recommendations made by the Registration Committee is described at section 9 of this Manual.

Section 54 of the Act makes provision for the Board to arrange for a registered non-government school to be inspected by a Board Inspector at random or if the Board has reason to believe that the school is not complying with the requirements for registration.

Section 69 of the Act makes provision for the proprietor or principal of a non-government school to provide returns to the Board of Studies concerning the requirements for registration in a form and at the times determined by the Board.

Section 131 of the Act confers on the Board of Studies the power to make rules that include guidelines with respect to the requirements for registration and accreditation as set out in Parts 7 and 8 of the Act respectively.

The Act requires the Board to publish its rules as prescribed by the Regulation. Under the *Education Regulation 2007*, publication of the Board's rules is via the Official Notices of the *Board Bulletin* and this Manual, which are published on the Board's website [www.boardofstudies.nsw.edu.au](http://www.boardofstudies.nsw.edu.au).

## **2.4 The registration process**

### **2.4.1 Classes of registration**

Section 53 of the Education Act states that the Certificate of Registration for a non-government school certifies the school as efficient for any one or more of the following three classes of registration:

- primary education for any specified Years
- secondary education for any specified Years
- education of a kind, or for children of a kind, prescribed by the Regulations.

Section 47 of the Act sets out the registration requirements for schools. Section 66 of the Act requires that the current Certificate of Registration be displayed in the entrance to the main school building or in some other conspicuous place at the school.

#### **2.4.1.1 Primary education**

Registered primary schools provide education for students in Kindergarten to Year 6. Under Section 47 of the Act schools providing primary education need to comply with the requirements set out in Part 3 that relate to the minimum curriculum for primary education.

Typically:

- Kindergarten–Year 2 covers Early Stage 1 and Stage 1 of the curriculum
- Years 3–4 covers Stage 2 of the curriculum
- Years 5–6 covers Stage 3 of the curriculum.

#### **2.4.1.2 Secondary education**

Registered secondary schools provide education for students in Years 7 to 12. Under Section 47 of the Act schools providing secondary education for Years 7–10 need to comply with the requirements set out in Part 3 that relate to the minimum curriculum for secondary education. Section 47 also specifies that schools providing secondary education for Years 11–12 need to comply with the requirements set out in Part 3 that relate to the curriculum for students who are candidates for the Higher School Certificate. Typically:

- Years 7–8 covers Stage 4 of the curriculum
- Years 9–10 covers Stage 5 of the curriculum
- Years 11–12 covers Stage 6 of the curriculum.

A secondary school that is registered but not accredited is not eligible to enter candidates for the award of the School Certificate. Section 93 of the Act requires a school that is not accredited to enter candidates for the award of the School Certificate to notify parents of students in writing that students who complete their Year 10 course at that school will not be eligible for a School Certificate. Schools should refer to the relevant sections of the Board of Studies *Assessment, Certification and Examination (ACE) Manual* for eligibility for the award of the School Certificate for students transferring from one school to another.

#### **2.4.1.3 Schools providing education of a kind, or for children of a kind, prescribed by the Regulations**

Children of a kind are prescribed by the Regulations as:

- children who need special instruction because of sensory, physical, intellectual or emotional disabilities
- children who are, or are the children of, foreign nationals.

Schools registered as providing education of a kind only, must establish to the satisfaction of the Board that they should be registered as offering education of a kind rather than as a primary and/or a secondary school. As it is the responsibility of the school to provide a curriculum appropriate to the needs of its students, a school that has any students able to undertake the curriculum for primary education for any specified Years, and/or the curriculum for secondary education for any specified Years, must also seek such registration. Conversely, a school that is only registered for education of a kind, or for children of a kind, prescribed by the Regulations must only have students enrolled at that school that meet those criteria.

#### **2.4.2 Initial registration**

Section 49 of the Education Act requires that a proprietor intending to establish a non-government school that is not part of an approved system of non-government schools make application for initial registration not later than 31 March preceding the calendar year in which the proposed proprietor intends to commence operating. The information that a proposed proprietor must provide in order to demonstrate that the school will have the capacity to comply with the requirements for initial registration are detailed in section 4.1 of the Manual.

Applications for initial registration are referred to Board Inspectors who, after considering the information provided by the applicant and a visit to the proposed school site, prepare a

report with a recommendation as to whether or not the proposed school should be registered. Procedures followed in processing such applications are set out in section 7 of the Manual.

The Inspector's report and recommendation are considered by the Registration Committee of the Board who make a recommendation to the Minister under Section 50 as to whether the proposed school should be registered. The recommendation is then dealt with in accordance with Section 51 of the Act.

Section 52 of the Act requires that the initial registration of a non-government school be provisional. Under this section of the Act the maximum period for which initial registration may be granted is twelve (12) months.

Section 52 of the Act also makes provision for the Registration Committee, under delegation from the Board, to recommend to the Minister that the initial registration period of the school be extended at any time before the expiry of the period of initial registration of the school if the Registration Committee is not satisfied that the school is complying with the requirements for registration.

### **2.4.3 Renewal of registration**

Section 54A of the Act requires applications for renewal of registration to be made at least nine (9) months before the existing school's registration is due to expire, or at a later date decided by the Board and communicated to the proprietor in writing. This section of the Act also requires a non-government school applying for renewal of registration to demonstrate:

- whether or not the school continues to satisfy the requirements for registration under Section 47 of the Act and
- whether or not, since the school's registration was granted or last renewed, the school has complied with the terms of the registration.

Under Section 57 of the Act the maximum period for which registration may be renewed is five (5) years. The requirements that registered non-government schools must meet are detailed in section 3 of the Manual.

Section 57A of the Act makes provision for the Registration Committee of the Board of Studies, under delegation, to recommend to the Minister that the registration period of a school be reduced and the school be placed on provisional registration at any time before the expiry of the period of registration of the school if the Registration Committee is not satisfied that the school is complying with the requirements for registration. If the school is placed on provisional registration, parents of students at the school must be notified in writing by the school of the provisional registration status of the school and the consequences of the registration status.

### **2.4.4 Exemption from registration on religious grounds**

Section 75 of the Education Act makes provision for a school to conscientiously object to registration on religious grounds. Schools that have a conscientious objection to registration on religious grounds must give notice to the Minister in writing. An objection to registration under the Act may be accepted if the Minister is satisfied that the school would meet the requirements for registration under the Act if an application had been made for such

registration. Schools that have been granted exemption from registration must meet the requirements detailed in section 3 of the Manual.

Schools granted exemption from registration under Section 75 of the Act receive a Certificate of Exemption. The Act states that such exemption may be granted for up to five (5) years. Section 83 of the Act requires the current Certificate of Exemption from registration to be displayed in the entrance to the main school building or in some other conspicuous place at the school.

#### **2.4.5 Failure to meet the requirements of registration**

In cases where the Minister is not satisfied that the requirements for registration are being met, the Minister may, on the recommendation of the Registration Committee of the Board of Studies, under delegation from the Board of Studies, reduce a school's period of registration in accordance with Section 57A of the Act. This process is detailed in section 4.2 of the Manual.

However, where the Minister is satisfied that the registration requirements are not being met, there is a power to cancel the registration of a non-government school under Section 59 of the Act. This process is detailed in section 8.1 of the Manual.

#### **2.4.6 Cancellation of registration**

Under Section 59 of the Act, the Minister may, on the recommendation of the Board, cancel the registration of a non-government school by written notice given to the proprietor or principal (or equivalent) of the school.

The Minister may not do so unless the Minister is satisfied that the requirements for registration are not being complied with at the non-government school.

The Minister may not cancel the registration of a non-government school under this section unless written notice of the Board's recommendation has been given to the proprietor or principal (or equivalent) of the school and:

- (a) thirty (30) days have elapsed since the giving of that notice, during which time no application has been made to the Administrative Decisions Tribunal for a review of the Board's recommendation, or
- (b) the Tribunal has determined an application for a review (made within thirty (30) days) of the recommendation and the Minister has considered any contrary recommendation of the Tribunal and the reasons for it, or
- (c) any such application for a review of the recommendation has been withdrawn.

#### **2.4.7 Limitation or cessation of registration**

Under clause 6 of the *Education Regulation 2007* a non-government school is required to notify the Board of Studies when it closes or ceases to operate as soon as possible but not later than one (1) month after such a change has occurred (see section 3.9.3 of this Manual).

For the purposes of the Regulation, a school ceases to operate when:

- there are no courses of study being taught at the school, that is, there are no courses that are based on and being taught in accordance with the Board of Studies syllabuses relevant to the Years of schooling for which the school is registered, or
- there are no students enrolled at the school, that is, enrolled at the school in the Years of schooling for which the school is registered.

Under the Regulation, when a non-government school ceases to operate for one (1) year, the registration of the school is limited to the period ending one (1) year after the end of the first twelve (12) months during which the school did not operate.

When a non-government school ceases to operate for two (2) years or it closes, its registration ceases.

If the registration of a non-government school is limited or ceases, the Minister for Education will give written notice of that limitation or cessation to the proprietor or principal of the school.

The limitation or cessation of registration under the Regulation applies to parts of a school such as a non-government school's campus or specific Years of schooling that cease to operate or close.

Should the registration of a non-government school, or part of a non-government school, be limited or cease under this Regulation, any corresponding accreditation for courses leading to the award of the School Certificate and/or Higher School Certificate is also limited or ceases.

## **2.5 Conducting an unregistered school**

It is an offence under Section 65 of the Education Act to conduct or knowingly permit or assist in the conduct of an unregistered school for the education of children of compulsory school age. Penalties apply to persons who conduct unregistered schools.

## **2.6 The accreditation process**

### **2.6.1 Types of accreditation**

Section 85 of the Education Act provides for registered non-government schools to be accredited for the purpose of presenting candidates for the School Certificate and/or the Higher School Certificate provided they meet the requirements of Part 8 of the Act.

#### **2.6.1.1 Accreditation of registered secondary schools**

Secondary schools that obtain accreditation in addition to registration must provide courses of study developed or endorsed by the Board for the award of the School Certificate and/or the Higher School Certificate in the appropriate Years of schooling. Section 94 of the Act makes provision for the Board to prescribe requirements for the granting of the School Certificate to students. Section 95 makes provision for the Board to prescribe requirements for the granting of the Higher School Certificate to students. Schools should refer to the relevant sections of the Board of Studies *Assessment, Certification and Examination (ACE)*

*Manual* for the requirements prescribed by the Board and for eligibility for the award of the School Certificate and the Higher School Certificate.

The current Certificate of Accreditation must be displayed in the entrance to the main school building or in some other conspicuous place at the school.

#### **2.6.1.2 Accreditation of schools providing education of a kind, or for children of a kind, prescribed by the Regulations**

Schools that offer education of a kind for children with sensory, physical, intellectual or emotional disabilities/impairments who require individualised curriculum may also be accredited. For accreditation a school must provide teaching/learning programs developed from Board syllabuses including Board Developed courses, Content Endorsed courses and/or Board Endorsed courses.

#### **2.6.1.3 Accreditation of secondary schools that have been granted exemption from registration**

Section 80 of the Act requires that a school granted exemption under Section 75 of the Act be regarded as registered. Such schools can be accredited. Where accredited, they must provide courses of study developed or endorsed by the Board for the award of the School Certificate and/or the Higher School Certificate in the appropriate Years of schooling. Schools should refer to the relevant sections of the Board of Studies *Assessment, Certification and Examination (ACE) Manual* for eligibility for the award of the School Certificate and the Higher School Certificate.

The current Certificate of Accreditation must be displayed in the entrance to the main school building or in some other conspicuous place at the school.

#### **2.6.2 Initial accreditation**

The Board requires that a person intending to establish an individual registered non-government school for the purpose of presenting candidates for the School Certificate and/or Higher School Certificate make an application for initial accreditation not later than 31 March preceding the calendar year in which the proposed proprietor intends to commence operating. A similar requirement applies to an established registered non-government school applying for initial accreditation.

In considering whether the requirements of the Education Act relating to the courses of study for the recognised certificate will be complied with, Section 92 of the Act requires that the Board have regard to:

- the record (if any) of achievement of the students at the school in the courses, and
- the standard of teaching of the courses at the school, and
- the facilities to be provided at the school for the courses.

The information that a proposed school must provide in order to demonstrate that it has the capacity to comply with the requirements for accreditation are detailed in section 6.1 of the *Manual*.

Under Section 86 of the Act applications for initial accreditation are referred to Board Inspectors who, after considering the information provided by the applicant and a visit to the

proposed site, prepare a report with a recommendation as to whether or not the proposed school should be accredited. The Registration Committee, under delegation from the Board, in accordance with this section of the Act then deals with the recommendation. Procedures followed in processing such applications are set out in Part 8 of the Manual.

Initial accreditation of a registered non-government school is provisional. The maximum period for which initial accreditation is granted is twelve (12) months.

### **2.6.3 Renewal of accreditation**

The Board requires applications for renewal of accreditation to be made at least nine (9) months before the existing school's accreditation is due to expire, or, at a later date decided by the Board and communicated to the proprietor in writing. The Board also requires applications for renewal of accreditation to include information demonstrating:

- whether or not the school continues to satisfy the requirements for accreditation under Part 8, and
- whether or not the school has complied with the terms of the accreditation since it was granted or last renewed.

Under Section 78 of the Act the maximum period for which accreditation may be renewed is five (5) years. In considering whether the requirements of the Act relating to the courses of study for the recognised certificate are being complied with, Section 92 of the Act requires that the Board have regard to:

- the record (if any) of achievement of the students at the school in the courses,
- the standard of teaching of the courses at the school, and
- the facilities provided at the school.

The requirements that registered non-government schools must meet for accreditation are detailed in section 5 of the Manual.

Section 87A of the Act makes provision for the Registration Committee, under delegation from the Board of Studies, to reduce the accreditation period of the school and for the school to be placed on provisional accreditation at any time before the expiry of the period of accreditation of the school if the Registration Committee is not satisfied that the school is complying with the requirements for accreditation. If the school is placed on provisional accreditation, parents of students at the school must be notified in writing by the school of the provisional accreditation status of the school and the consequences of the accreditation status.

### **2.6.4 Failure to meet the requirements of accreditation**

In cases where the Registration Committee of the Board of Studies is not satisfied that the requirements for accreditation are being met, the Registration Committee may reduce a school's period of accreditation in accordance with Section 87A of the Act. This process is detailed in section 6.2 of the Manual.

However, where the Registration Committee is satisfied that the accreditation requirements are not being met, there is a power to cancel the accreditation of a non-government school under Section 91 of the Act. This process is detailed in section 8.2 of the Manual.

### **2.6.5 Cancellation of accreditation**

Under Section 91 of the Act, the Board may cancel the accreditation of a non-government school by written notice given to the proprietor or principal (or equivalent) of the school.

The Board may not do so unless the Board is satisfied that the requirements relating to accreditation are not being complied with at the non-government school.

Any such notice to cancel the accreditation of a non-government school has no effect:

- (a) until thirty (30) days have elapsed since the giving of the notice, or
- (b) an application for a review of the decision has been made to the Administrative Decisions Tribunal within those thirty (30) days, unless (and until such time as) the Tribunal has confirmed the decision or the application has been withdrawn.

## **2.7 Conducting a school that is not accredited**

It is an offence under Section 93 of the Act to conduct or knowingly permit or assist in the conduct of a school for the education of candidates for the School Certificate or the Higher School Certificate if the school is not accredited. The Act requires that a secondary school that is not accredited to enter candidates for the award of the School Certificate notify parents of students in writing each year that students who complete their Year 10 course at that school will not be eligible for a School Certificate.

Penalties apply to persons who conduct schools for the education of students who are candidates for one of the above certificates where the school is not accredited.

### **3 Requirements for Registered Non-government Schools**

Registered non-government schools must meet the requirements of the Education Act. This section of the Manual details the requirements that all registered non-government schools and non-government schools approved as exempt from registration must meet. It also states the evidence of compliance that schools must maintain during any period of registration. The requirements and evidence of compliance relate to:

- the proprietor and principal of the school
- staff
- curriculum
- premises and buildings
- facilities
- safe and supportive environment
- discipline
- attendance
- management and operation of the school
- educational and financial reporting.

Additional requirements apply to schools with boarding facilities. These are detailed in section 3.11 of the Manual. The maximum period for which registration may be renewed is five (5) years.

#### **3.1 Proprietor and principal of the school**

**The proprietor of an individual registered non-government school must be a corporation or other form of legal entity approved by the Minister to be the proprietor of a non-government school.**

A legal entity is an individual or organisation that is legally permitted to enter into a contract and be accountable for its contractual obligations. Forms of legal entities, other than a corporation, approved by the Minister to be the proprietor of an individual registered non-government school are registered companies and trusts including religious bodies. While an individual person has legal status as a 'natural person', an individual is not a legal entity approved by the Minister to be the proprietor of an individual registered non-government school.

In relation to registration/accreditation procedures, the Act defines the proprietor as the legal entity designated in the school's certificate of registration. The Act defines the principal as including an acting principal of the school. The Board distinguishes between the roles and responsibilities of the proprietor and the principal (or equivalent) as follows:

- The proprietor is the legal entity that owns the school. The role of the proprietor is primarily concerned with the governance of the school, including such matters as long-term financial planning, administrative policies and accountability.
- The role of the principal is as delegated by the proprietor or governing body. Usually, the principal is responsible for the management, day-to-day functioning and routine operations of the school. The principal's responsibilities also often include such aspects as the school's operation, curriculum implementation, teaching and learning programs, assessment, health and safety, student welfare, staff selection, supervision and

professional development, registers of enrolment and daily attendance, maintenance of buildings, and management of facilities, resources and equipment.

The roles of proprietor and principal may be carried out by one or more people.

Where a school has no principal, Section 129 of the Education Act provides that:

- any notice required or permitted to be given by or under this Act to the principal of the school, if given to any of the teachers at the school, is to be taken to have been given to every teacher at the school, and
- an obligation imposed by or under this Act on the principal is to be taken to be an obligation imposed on every teacher at the school, but which may be discharged by any one of them on behalf of them all.

#### *Evidence of compliance*

A registered individual non-government school must maintain documentary evidence that the school's proprietor is one of the types of legal entity approved by the Minister to operate an individual registered non-government school: for example, a memorandum, a constitution or other articles of association that establish the entity, a trust deed or incorporation documents.

## **3.2 Staff**

### **3.2.1 Teaching staff of a registered non-government school must have the necessary experience and qualifications (having regard to accreditation under the *Institute of Teachers Act 2004* but without limiting such other matters as may be relevant)**

The NSW Institute of Teachers was set up under the *Institute of Teachers Act 2004* to oversee a system of accreditation and recognition of teachers' professional capacity against professional standards. Information about the Institute, professional standards and teacher accreditation can be viewed on the Institute's website [www.nswteachers.nsw.edu.au](http://www.nswteachers.nsw.edu.au).

The teaching staff of a non-government school must have the necessary experience and qualifications having regard to accreditation under the *Institute of Teachers Act 2004*.

In assessing a school's compliance with this registration requirement the holistic capacity of a school's teaching staff to deliver the curriculum for which the school is registered will also be considered by the Board.

Relevantly to the Board's requirements, Section 3A of the *Institute of Teachers Act 2004* defines 'teach' and 'teacher' as follows:

- (1) 'teach' means to undertake duties in a school that include (but are not limited to):
  - (a) the direct delivery of courses of study that are designed to implement the curriculum and the responsibility for assessing student participation, performance and progress in those courses,
- (2) a reference in this section to undertaking duties in a school is a reference to undertaking duties on the premises of a school in the course of providing services conducted by the school,
- (3) 'teacher' means a person who is, or is to be, employed to undertake any duties referred to in subsection (1) (whether or not the person undertakes any other duties).

Section 3 of the [Institute of Teachers Act 2004](#) defines 'curriculum' as the curriculum for primary or secondary schools determined by the Board of Studies in accordance with the [Education Act 1990](#).

To meet the requirements of the *Institute of Teachers Act 2004*, 'teachers' (as defined by the Institute of Teachers Act 2004) employed by registered non-government schools must fall into one of the following three categories:

- (i) having teacher education qualifications from a higher education institution within Australia or as recognised within the National Office of Overseas Skills Recognition (AEI-NOOSR) guidelines, or
- (ii) having a bachelor degree from a higher education institution within Australia or one recognised within the AEI-NOOSR guidelines but lacking formal teacher education qualifications, or
- (iii) not having qualifications as described in (i) or (ii) but having relevant successful teaching experience or appropriate knowledge relevant to the teaching context. Such 'teachers' must have been employed to 'teach' in NSW before 1 October 2004 (either on a permanent, casual or temporary basis), and as a 'teacher' during the last five (5) years in a permanent, casual or temporary capacity.

In addition, teachers in category (iii) are required to:

- (c) be accredited as transition scheme teachers under the *Institute of Teachers Act 2004* and have their details lodged with the Institute (note that this could only occur in 2005);
- (d) be under the direct, on-site supervision of staff at the same school who hold teacher education qualifications from a recognised education institution within Australia or one recognised within the AEI-NOOSR guidelines; and
- (e) meet the requirements for teacher accreditation at the level of professional competence in the seven year time period specified by the Institute of Teachers Act 2004.

#### *Evidence of compliance*

A registered non-government school must document:

- copies of qualifications used to determine the suitability of each teacher it has employed and, where relevant, copies of Institute of Teachers accreditation documentation
- the program of study that meets the requirements of the NSW Institute of Teachers being undertaken by each teacher in category (iii) above, the qualification(s) of the supervisor(s) and the role of that/those supervisor(s)
- details, including the qualifications and teaching experience, of all part-time and full-time teaching staff
- the school's plan for providing alternate qualified teaching staff in the event that regular teaching staff are unavailable.

### **3.2.2 For students approved by the school to study individual courses through an outside tutor, the principal must have taken all reasonable steps to ensure that each tutor has the capacity to teach the course and is a suitable person to work with children.**

Registered schools may access outside tutors to deliver courses of study to students enrolled at the school. An outside tutor is any person, other than a teaching staff member of

the school, whom the school has approved to deliver a specified course of study that is part of the curriculum as described by Parts 1, 3, 7 and 8 of the Education Act to a student or students enrolled in the school. The delivery of such a course may take place on school premises or at premises other than the school's premises. The outside tutor may deliver the course to students during or outside school hours.

Persons employed by the school as casual teachers, or persons who provide specialist expertise for part of a course that is under the supervision of a teaching staff member who has responsibility for teaching the course at the school, are not considered outside tutors.

Registered and accredited schools providing courses of study that are delivered by an outside tutor for the School Certificate and/or Higher School Certificate should refer to section 5.3.2 of the Manual.

*Evidence of compliance*

A registered non-government school must have guidelines that outline the process used by the school to:

- verify an outside tutor's capacity to teach a course
- ensure that in accessing any outside tutor the school continues to comply with the mandatory employment requirements under the *Commission for Children and Young People Act 1998*.

For each outside tutor approved by a school to conduct individual courses of study with students, the school must maintain documentation that records:

- evidence that originals of the outside tutor's qualifications and/or evidence of relevant experience and/or expertise have been seen by the principal or the principal's (or equivalent's) authorised delegate
- evidence that the school has sought and obtained satisfactory reports from referees concerning the outside tutor's suitability as an outside tutor
- details of the process undertaken by the school to verify the outside tutor's capacity to teach the course and the outcome of that process
- a signed and dated declaration by the principal (or equivalent) or an appropriate person with the principal's (or equivalent's) delegated authority that a satisfactory screening process has been undertaken under the *Commission for Children and Young People Act 1998* in relation to the outside tutor and the outcome of that process
- the procedures in place to ensure that requirements are being met and will continue to be met for the course(s) of study delivered by the outside tutor.

The use of an outside tutor does not abrogate the school's obligation to ensure that all of the registration requirements that are relevant to that mode of delivery are met.

**3.2.3 A registered non-government school's educational program may include outsourcing of particular courses/subjects to one or more external providers, provided that:**

- **the school remains primarily responsible for the student**
- **the courses outsourced comprise a minority of each student's overall pattern of study (except with Board approval).**

An external provider is any organisation that the school has arranged to deliver a specified course of study that is part of the curriculum as described by Parts 1, 3, 7 and 8 of the Education Act to a student or students enrolled at the school. The delivery of such a course may take place on school premises or elsewhere.

Registered schools may access external providers to deliver courses of study to students enrolled at the school. For registered non-government primary schools and secondary schools and non-government schools approved as exempt from registration, external providers may include:

- another registered school
- a government school including
  - the Open High School
  - Distance Education Centres
  - Open Training and Education Network (OTEN)
  - Saturday School of Community Languages
- TAFE Colleges
- Registered Training Organisations (RTOs)
- other external providers with appropriate scope of registration, qualifications and expertise.

The registered school needs to ensure that the courses outsourced comprise a minority of each student's overall pattern of study for each Stage of learning (except with Board approval to outsource more than a minority of courses for a student or group of students).

In exceptional circumstances, as determined by the Board, the Board may approve of a non-government school outsourcing more than a minority of courses from an overall pattern of study for an individual student or a group of students where the school considers it necessary to provide an appropriate educational program.

In seeking Board approval, the school would need to provide to the Board documentation to:

- describe the exceptional circumstances
- explain the educational program and how it meets the needs of the student(s)
- identify the external provider
- identify the courses that are intended to be outsourced
- provide assurance that all other requirements for registration would be met including the school maintaining primary responsibility for the student(s).

Registered and accredited secondary schools providing outsourced courses of study for the School Certificate and/or Higher School Certificate through external providers should refer to section 5.3.2 of the Manual.

#### *Evidence of compliance*

A registered non-government school must maintain documentation that records:

- that any external provider accessed by the school complies with the *Commission for Children and Young People Act 1998* in relation to each person directly involved in the delivery of an outsourced course
- the student(s) undertaking the course(s)

- the suitability of the external provider(s) accessed by the school to deliver the course(s), including, where relevant, evidence of certification of the provider(s) by appropriate agencies
- the agreement with each external provider including identification of the respective responsibilities of the school and the provider
- the procedures in place to ensure that the requirements are being met and will continue to be met for the course(s) of study delivered by each external provider.

For each student undertaking one or more courses that have been outsourced to an external provider accessed by the school, the school must maintain records to demonstrate that the outsourced courses comprise a minority of each student's overall pattern of study for each Stage of learning, unless the Board's approval has been obtained to outsource more than a minority of each student's overall pattern of study.

The use of an external provider does not abrogate the school's obligation to ensure that all of the registration requirements that are relevant to that mode of delivery are met.

### **3.3 Curriculum**

**3.3.1 The curriculum, including curriculum outcomes, provided by a registered non-government school must comply with the requirements set out in Part 3 of the Act relating to:**

- (i) in the case of a school providing primary education – the minimum curriculum for a school providing primary education, or**
- (ii) in the case of a school providing secondary education for children during Year 7 to Year 10 – the minimum curriculum for a school providing any such secondary education, or**
- (iii) in the case of a school providing secondary education for children during Year 11 and Year 12 – the curriculum for students who are candidates for the Higher School Certificate.**

#### **3.3.1.1 Primary schools**

Registered non-government primary schools will have:

- an educational program based on, and taught in accordance with, the outcomes of Board of Studies syllabuses for the six key learning areas (KLAs) of primary education:
  - English
  - Mathematics
  - Science and Technology
  - Human Society and Its Environment
  - Creative Arts
  - Personal Development, Health and Physical Education
- courses of study in each of the KLAs for each child during each Year
- courses of study that are appropriate for the children concerned having regard to their level of achievement and needs
- courses of study in accordance with any relevant guidelines developed by the Board and approved by the Minister (refer to section 11.1.1 of the Manual).

*Evidence of compliance*

A registered non-government primary school must maintain documentation for each calendar year of the current registration period that includes:

- timetables for each Year/class showing the allocation of time and teachers for each KLA
- an overview of the school's educational program indicating
  - the scope and sequence of learning/units of work in relation to outcomes of the Board of Studies syllabus for each KLA for each Year
  - resources and equipment available for each KLA
  - an assessment plan indicating how students' performance in each KLA is assessed, monitored and recorded
- an overview of the process for reporting student achievement.

For each calendar year, the school must maintain for each Year/class, until the end of that calendar year:

- teaching programs for each unit of work that correspond to those identified in the scope and sequence of learning/units of work
- samples of student work that relate to the teaching program for that year.

**3.3.1.2 Secondary schools providing education for children during Year 7 to Year 10**

Registered non-government secondary schools will have:

- an educational program based on, and taught in accordance with, the outcomes of Board of Studies syllabuses for Years 7–10
- courses of study for each child in at least six of the eight key learning areas (KLAs) of secondary education
  - English
  - Mathematics
  - Science
  - Human Society and Its Environment
  - Languages
  - Technological and Applied Studies
  - Creative Arts
  - Personal Development, Health and Physical Education
- courses of study for each child during each Year in
  - English
  - Mathematics
  - Science
  - Human Society and Its Environment
- courses of study that are appropriate for the children concerned having regard to their level of achievement and needs
- courses of study in accordance with any relevant guidelines developed by the Board and approved by the Minister (refer to section 11.1.2 of the Manual).

The syllabuses on which the education program of a registered school must be based in order to meet the above requirements are specified on the Board's website

[www.boardofstudies.nsw.edu.au](http://www.boardofstudies.nsw.edu.au).

A secondary school that is registered but not accredited to enter candidates for the award of the School Certificate must notify parents of students in writing each year that students who complete their Year 10 course at that school will not be eligible for a School Certificate. It must also inform parents of the consequences for potential candidates for that Certificate of the school not being accredited.

Registered non-government schools seeking accreditation must meet the additional curriculum requirements outlined in section 5 of this Manual.

*Evidence of compliance*

A registered non-government secondary school must maintain documentation for each calendar year of the current registration period that includes:

- timetables for each Year/class showing the allocation of time and teachers for each KLA
- an overview of the school's educational program indicating
  - the scope and sequence of learning/units of work in relation to the outcomes of the Board of Studies syllabuses for each KLA for each Year
  - resources and equipment available for each KLA
  - an assessment plan indicating how students' performance in each KLA is assessed, monitored and recorded
- an overview of the process for reporting student achievement
- evidence that the school, if registered or exempt from registration only, informs parents of students in writing each year that the school is not eligible to enter candidates for the award of the School Certificate and indicates the consequences for potential candidates for that Certificate of the school not being accredited.

For each calendar year, the school must maintain for each Year/class, until the end of that calendar year:

- teaching programs for each unit of work that correspond to those identified in the scope and sequence of learning/units of work
- samples of student work that relate to the teaching program for that year.

**3.3.1.3 Secondary schools providing education for children during Year 11 to Year 12**

Schools that provide secondary education for Years 11–12 must be both registered and accredited. Such schools, therefore, must comply with the curriculum requirements set out in Part 8 of the Act that relate to the curriculum for students who are candidates for the Higher School Certificate (refer to section 5.2 of this Manual).

**3.3.2 The Board of Studies may approve modifications to part of a Board of Studies syllabus for use in a particular school as it considers necessary to enable any part of a key learning area, that appears to the Board to be incompatible with the educational philosophy or religious outlook of a registered non-government school, to be based on and taught compatibly with that educational philosophy or religious outlook.**

Where a school considers that one or more of the outcomes of a Board of Studies syllabus are incompatible with the school's educational philosophy or religious outlook for part of the school's curriculum, the Act makes provision for the school to apply to the Board to use modified outcomes for that part of the syllabus. In these instances, the Board may grant approval for the use of modified outcomes for part of a syllabus by that school if the Board is satisfied that:

- the identified Board of Studies outcome(s) are incompatible with the educational philosophy and/or religious outlook of the school
- the proposed modified outcome(s) are compatible with the educational philosophy and/or religious outlook of the school
- the proposed modified outcome(s) comply with the curriculum guidelines developed by the Board and approved by the Minister as detailed in section 11.1 of this Manual.

Modifications approved under this provision of the Act are not permitted to the curriculum for the School Certificate or Higher School Certificate.

In the event that the Board is unable to approve a modification because of an inconsistency between the modification sought and the curriculum guidelines, the school may request a review of that aspect of the curriculum guidelines.

A registered non-government school seeking approval to use modified outcomes for part of a Board syllabus must apply to the Board of Studies nine (9) months prior to the projected implementation date (see section 7.3.5 of this Manual).

*Evidence of compliance*

Where the Board of Studies has approved the modification of an outcome(s) of a Board syllabus for a particular school, the registered non-government school must maintain documentation that records:

- the specific Board of Studies syllabus outcome(s) that have been modified
- the philosophical or religious reasons for modifying the Board syllabus outcome(s)
- the modified educational outcome(s) as approved by the Board
- how the modified outcome(s) approved by the Board comply with the curriculum guidelines developed by the Board and approved by the Minister as detailed in section 11.1 of this Manual.

In addition to the evidence of compliance required for section 3.3.1.1 and/or section 3.3.1.2 above, the school must also maintain documentation for each calendar year of the current registration period that includes:

- how the modified outcome(s) approved by the Board are appropriate to the level of achievement and needs of the students

- timetables for each Year/class showing the allocation of time for the modified outcome(s) approved by the Board
- the overview of the school's educational program indicating where the modified outcome(s) approved by the Board occur in relation to the scope and sequence of learning/units of work referred to in section 3.3.1.1 and/or section 3.3.1.2 above
- resources and equipment allocated to the Board-approved modified outcome(s)
- an assessment plan indicating how student achievement of any modified outcome(s) approved by the Board are assessed, monitored and recorded.

**3.3.3 A registered non-government school that has students undertaking all or a significant part of their courses of study by means of distance education must provide a curriculum, including curriculum outcomes, that accord with the requirements of Part 3 of the Act.**

The Act makes provision for a school to deliver to its enrolled students all or a significant part of courses in distance education mode.

Distance education means the delivery of courses of study during which teachers and students enrolled in the school are not regularly in the presence of each other but communicate with each other in writing, by print or by electronic or other means. This excludes situations where a school that does not normally deliver courses by means of distance education provides, either in writing, by print or by electronic means:

- units of work/activities for a student who has been granted leave by the principal
- courses of study that its students access through an outside tutor or external provider.

Many schools use electronic means to enhance the courses of study provided by the school. This can include video-conferencing, online lessons hosted by another school and/or online interactions between cohorts in other schools to share data, debate or exchange views. A school would not be considered to be delivering distance education to its students if the teacher with prime responsibility for delivering the course of study was regularly in the presence of students and supplemented the teaching with a range of audiovisual aids.

Under the distance education provision, a school may deliver all or a significant part of courses from Kindergarten to Year 12 by means of distance education. When a registered non-government school delivers distance education to its students, the school must have in place policies and procedures that are appropriate to ensure the personal and social development of its students. These policies and procedures must include the provision of a minimum of fifteen (15) school days of 'residential school' sessions for all students undertaking a full-time distance education program (pro-rata for students undertaking a part-time program).

'Residential school' sessions are times when students and teachers are in the presence of each other at the same physical location undertaking learning activities related to the school's education programs. 'Residential school' sessions are also used to supplement those aspects of the program that develop students' personal and social skills. Additionally, students undertaking courses with practical components must be provided with additional 'residential school' sessions to ensure that they have opportunities to achieve the course outcomes for practical work.

If a registered non-government school intends to deliver all or a significant part of its students' courses of study by means of distance education, the school must notify the Board of Studies nine (9) months prior to the implementation of such a change (refer to sections 3.9.3 and 7.3.4 of the Manual).

*Evidence of compliance*

In addition to the evidence of compliance required for section 3.3.1.1 and/or section 3.3.1.2 above, a registered non-government school delivering all or a significant part of the courses of study to its students by means of distance education must maintain documentation for each calendar year of the current registration period that includes:

- policies and procedures for authenticating student work
- guidelines for people such as family or community members who act as on-site supervisors of a student's distance education work
- policies and procedures in relation to providing a minimum of fifteen (15) days of 'residential school' sessions each school year for each student undertaking all of their courses of study by distance education. The number of days of 'residential school' sessions provided for students undertaking less than a full program of study by means of distance education is to be calculated on a pro-rata basis
- policies and procedures in relation to providing additional 'residential school' sessions for students undertaking courses that include practical components
- policies and procedures in relation to teacher visits to students
- teaching programs, including specific details of all teaching and learning activities provided to students, for each distance education course offered
- the annual schedule for teaching programs and activities undertaken at 'residential school' sessions
- the annual schedule for additional 'residential school' sessions for courses that include practical components.

For each of its students undertaking all or a significant part of their courses by means of distance education the school must maintain documentation that records:

- learning progress in relation to syllabus outcomes
- attendance at 'residential school' sessions
- the mechanisms by which each student is able to interact with relevant teachers each week
- the dates of teacher visits to the student
- procedures for the formal supervision of students undertaking external examinations/tests.

**3.3.4 A registered non-government school that provides education of a kind, or for children of a kind, must provide a curriculum to cater to the needs of its students.**

Where a school is registered as providing education of a kind, or for children of a kind, the Act makes provision for the school to provide a specific curriculum to cater to the needs of its students.

A secondary school that is registered but not accredited to enter candidates for the award of the School Certificate must notify parents of students in writing each year that students who

complete their Year 10 course at that school will not be eligible for a School Certificate. It must also inform parents of the consequences for potential candidates for that Certificate of the school not being accredited.

*Evidence of compliance*

Where the Minister has approved the registration of a non-government school as providing education of a kind, or for children of a kind, the non-government school must maintain documentation for each calendar year of its registration that includes:

- documentation to certify that each student undertaking such education is a foreign national or a child of a foreign national, or, a child of a kind as prescribed by the Regulations
- how the curriculum delivered by the school meets the needs of the students
- timetables for each Year/class showing the allocation of time and teachers for each learning area/course
- an overview of the school's educational program indicating
  - the scope and sequence of learning/units of work in relation to the outcomes for each learning area/course for each Year/class
  - resources and equipment available for each learning area/course
  - an assessment plan indicating how students' performance in each learning area/course is assessed, monitored and recorded
- an overview of the process for reporting student achievement
- evidence that, if the school is a secondary school that is registered or exempt from registration only, the school informs parents of students in writing each year that the school is not eligible to enter candidates for the award of the School Certificate and indicates the consequences for potential candidates for that Certificate of the school not being accredited.

For each calendar year, the school must maintain for each Year/class, until the end of that calendar year:

- teaching programs for each unit of work that correspond to those identified in the scope and sequence of learning/units of work
- samples of student work that relate to the teaching program for that year.

Where a non-government school is registered to provide education for children who are, or are the children of, foreign nationals, the teaching staff must hold qualifications that are deemed appropriate by the relevant education authority (or equivalent) to teach the curriculum being delivered.

### **3.4 Premises and buildings**

**A registered non-government school's premises and buildings must be satisfactory.**

The premises and buildings of a registered non-government school must comply with:

- relevant council and government requirements
- occupational health and safety legislation and subordinate legislation
- environmental and land use guidelines.

In NSW, buildings need to meet the building standards operational at the time of the approval to build. In 1997, all states and territories gave the Building Code of Australia

(BCA) the status of building regulations. The BCA contains technical provisions for the design and construction of buildings and other structures and covers such matters as fire resistance, access and egress, services and equipment and aspects of health and amenity.

While the BCA applies to new buildings, proprietors and principals (or equivalent) of schools have a common law responsibility to ensure that older buildings are safe for educational purposes. In a dispute regarding safety or the appropriateness of a building, guidance is often sought by referring to the BCA. For older buildings, it is therefore advisable for the proprietor and principal (or equivalent) of a school to refer to local government requirements with respect to compliance with the relevant sections of the BCA.

Registered schools must be able to provide assurance that the premises and buildings are satisfactory throughout any registration period.

*Evidence of compliance*

A registered non-government school must:

- maintain written evidence that all school premises and/or buildings comply with all relevant legislation
- have policies to assess and monitor the current standard and state of repair of the school's premises and buildings, making reference to current building requirements
- maintain details of annual fire safety assessments which comply with Part 9 Division 5 of the *Environmental Planning and Assessment Regulation 2000*
- confirm that it has policies and procedures to meet the requirements of the *Disability Discrimination Act 1992* in terms of the school's buildings and premises.

### **3.5 Facilities**

**A registered non-government school must have educational facilities that are adequate for the courses of study provided by the school.**

Typically school facilities include:

- general classrooms
- classrooms with facilities to support the delivery of particular courses
- computers with internet and other digital access
- a designated library area
- indoor open space
- indoor or outdoor recreational space.

Registered schools need to have processes in place that can assist them provide assurance throughout their registration period that the educational facilities are adequate for the courses of study and the number of students in each course.

*Evidence of compliance*

A registered non-government school must:

- identify the range of educational facilities required for each of the courses of study offered, taking into account the number of students undertaking each course, whether the facilities are provided on-site or off-site and the frequency of access to off-site facilities

- assess and monitor the current standard and state of repair of facilities, taking into account the requirements of relevant legislation including the
  - *Explosives Act 2003*
  - *Occupational Health and Safety Act 2000*.

## **3.6 Safe and supportive environment**

### **3.6.1 A registered non-government school must have in place policies and procedures to ensure that it meets its legislative obligations in relation to child protection.**

A number of Acts relate to child protection in New South Wales:

- the *Ombudsman Amendment Act (Child Protection and Community Services) Act 1998* which added Part 3A to the *Ombudsman Act 1974*
- the *Commission for Children and Young People Act 1998* which established the Commission for Young People and made the Commission responsible for employment screening for people in child-related employment
- the *Children and Young Persons (Care and Protection) Act 1998* which sets out the responsibilities of Community Services with regard to child protection.

A registered non-government school has responsibilities under each of these Acts.

Part 3A of the *Ombudsman Act 1974* requires that designated government and non-government agencies must notify the Ombudsman of any allegation of reportable conduct or conviction related to reportable conduct against an employee. Non-government schools are included in designated non-government agencies. In addition to notifying the Ombudsman, the agency must also investigate the allegation or conviction and report the findings of such an investigation to the Ombudsman. The Ombudsman may also oversee and monitor the investigation of and the response by the heads of designated agencies to allegations of reportable conduct.

Part 7 of the *Commission for Children and Young People Act 1998* deals with employment screening. It requires screening of all people commencing paid work that primarily involves direct and unsupervised contact with children. This screening process incorporates:

- a relevant national criminal record check,
- a check of relevant Apprehended Violence Orders, and
- a review of relevant completed employment proceedings the applicant may have been the subject of in previous employment.

Part 7 of the Act also imposes specific duties on employers in relation to relevant disciplinary proceedings. The Commission for Children and Young People must be notified of the outcome of completed disciplinary proceedings.

The *Commission for Children and Young People Act 1998* also prescribes the responsibilities of the Commission and schools in relation to child-related employment.

The *Children and Young Persons (Care and Protection) Act 1998* sets out the means by which Community Services and the Children's Court can intervene to protect children and young persons from risk of harm. The Act mandates people in certain professions, such as teaching, and positions, such as management positions in schools, to report any case where they form the belief that a child or young person is at risk of harm.

### *Evidence of compliance*

A registered non-government school must have policies and procedures in place to:

- ensure that staff who have direct contact with students are informed of the legal responsibilities related to child protection, mandatory reporting and other relevant school expectations
- ensure that requirements to notify and investigate allegations of reportable conduct in compliance with the *Ombudsman Act 1974* are made known to staff
- ensure that the school meets the employment screening and notification requirements of the *Commission for Children and Young People Act 1998*
- ensure that all staff, volunteers, outside tutors and external providers are informed of their obligations under the *Commission for Children and Young People Act 1998*
- respond to reportable matters in accordance with legislative requirements
- ensure that all staff who are mandatory reporters under the *Children and Young Persons (Care and Protection) Act 1998* are informed of their obligations and the process that the school has in place in relation to mandatory reporting.

### **3.6.2 A registered non-government school must provide a safe and supportive environment by having in place policies and procedures that provide for student welfare.**

#### Safe environment

A safe environment for students is one where the risk of harm is minimised and students feel secure. Harm relates not only to dangers in the built environment, involving such matters as architecture and construction, lighting, space, facilities and safety plans, but also refers to violence, physical threats, verbal abuse, threatening gestures, sexual harassment and racial vilification.

#### Supportive environment

A supportive environment fosters the social, academic, physical and emotional development of students. A supportive environment can be described as one in which:

- students are treated with respect and fairness by teachers, other staff and other students
- members of the school community feel valued
- effective teaching and learning takes place
- positive support and encouragement are provided by members of staff and students
- non-discriminatory language and behavioural practices are defined, modelled and reinforced by members of the school community
- consultation takes place on matters relating to students' education and welfare.

#### Student welfare

Student welfare encompasses the mental, physical and emotional wellbeing of the student. Student welfare policies and programs are essential for developing a sense of self-worth and fostering personal development. Student welfare could include:

- programs that the school provides to meet the personal, social and learning needs of the students
- effective discipline
- early intervention programs for students at risk

- student, family and community support networks
- opportunities that the school provides for students to
  - enjoy success and recognition
  - make a useful contribution to the life of the school
  - derive enjoyment from their learning.

*Evidence of compliance*

A registered non-government school must have in place policies and procedures in relation to:

- security, with specific reference to
  - students
  - buildings and facilities
  - evacuation procedures
- supervision, with specific reference to protocols and guidelines, including risk management, for students undertaking on-site and off-site activities
- codes of conduct for members of the school community, with specific reference to
  - rights and responsibilities of students and staff within the school community
  - behaviour management
  - the role of any student leadership system (or equivalent) in the school and the monitoring of the system
  - management and reporting of serious incidents and emergencies
- complaints or grievances, with specific reference to processes for raising and responding to matters of concern identified by students and/or parents
- pastoral care, with specific reference to
  - personnel responsible for pastoral care including access to counselling
  - identification of and provision of support for students with special needs
  - health and the distribution and monitoring of medication
  - response to serious incidents and emergencies
  - homework
- communication, with specific reference to formal and informal mechanisms available between stakeholders interested in a student's education and wellbeing.

While the title and scope of policies and procedures that a school has in place in relation to the above areas will vary depending on the school's philosophy, ethos and practice, each of the above areas must be addressed within the totality of the school's policies and procedures.

Where students are approved to study with an outside tutor or are undertaking courses/subjects with an external provider, the registered non-government school must have policies and procedures in place that are appropriate to ensure the safety and welfare of such students and to promote their personal and social development.

**3.6.3 A registered non-government school must have policies and procedures that are appropriate to ensure the personal and social development of students who are undertaking all or a significant part of their courses of study by means of distance education.**

The Act makes provision for students to undertake all or a significant part of their courses of study by means of distance education where the school has in place policies and

procedures that are appropriate to ensure the personal and social development of its students.

*Evidence of compliance*

A registered non-government school must have in place policies and procedures that are appropriate to ensure the personal and social development of students undertaking all or a significant part of their courses of study by means of distance education. The school must maintain documentation for each calendar year of the current registration period that includes:

- evidence that it has made available to stakeholders in a student's education and welfare the school's guiding principles and general organisation including statements about
  - school aims
  - enrolment policies
  - student welfare policies
  - staff roles and responsibilities
  - communication mechanisms and processes for handling complaints
  - learning and social support services provided for students
  - assessment policies and procedures
- procedures to monitor students' personal and social development
- policies and procedures that are appropriate to ensure the safety and welfare of students undertaking 'residential school' sessions. Where accommodation for a 'residential school' is provided by the school itself or by contractual arrangement (excluding brief school excursions and 'home stay' accommodation), such policies and procedures must meet the standards for the safety and welfare of boarders (refer to sections 3.11.1 to 3.11.8 of the Manual)
- details of the school's programs that focus on personal and social development
- structured experiences that focus on personal and social development at the 'residential school' sessions
- details of school support personnel, such as a counsellor, who assist with issues related to personal and social development as needed.

The use of distance education as a mode of delivery by a school does not abrogate the school's obligation to ensure that all of the registration requirements that are relevant to that mode of delivery are met.

## **3.7 Discipline**

### **3.7.1 A registered non-government school must have policies relating to discipline of students attending the school that are based on principles of procedural fairness.**

The Act requires that policies related to the discipline of students be based on procedural fairness. It is the responsibility of the school to determine incidents that may require disciplinary action and the nature of any penalties that may apply. The process that leads to the imposition of such penalties, particularly but not exclusively in relation to suspension, expulsion and exclusion, must be procedurally fair.

Suspension is a temporary removal of a student from all of the classes that a student would normally attend at a school for a set period of time.

Expulsion is the permanent removal of a student from one particular school.

Exclusion is the act of preventing a student's admission to a number of schools. In extreme circumstances, the principal of a school may make a submission to an appropriate authority, or to other schools, recommending the permanent exclusion of a student from the registration system of which the school is a member, or from other schools.

Procedural fairness is a basic right of all when dealing with authorities. Procedural fairness refers to what are sometimes described as the 'hearing rule' and the 'right to an unbiased decision'.

The 'hearing rule' includes the right of the person against whom an allegation has been made to:

- know the allegations related to a specific matter and any other information which will be taken into account in considering the matter
- know the process by which the matter will be considered
- respond to the allegations
- know how to seek a review of the decision made in response to the allegations.

The 'right to an unbiased decision' includes the right to:

- impartiality in an investigation and decision-making
- an absence of bias by a decision-maker.

Procedural fairness includes making available to students and parents or caregivers the policies and procedures under which disciplinary action is taken. It also includes providing details of an allegation relating to a specific matter or incident. This will usually involve providing an outline of the allegations made in witness statements and consideration of witness protection. As part of ensuring the right to be heard, schools could establish any need for parents/caregivers to be provided with interpreter services and, if required, make arrangements for such services to be available.

While it is generally preferable that different people carry out the investigation and decision-making, in the school setting this may not always be possible. If the principal is conducting both the investigative and decision-making stages, he or she must be reasonable and objective. To be procedurally fair, the principal must act justly and be seen to act justly. While it is difficult to combine the roles of investigator and adjudicator, it is acceptable to do so given the nature of the principal's responsibilities. Nevertheless, it may be preferable to have another appropriate officer, such as an assistant principal or independent person, carry out the investigation where possible. The review mechanism adds to the fairness of the process.

In matters where a long suspension, expulsion or exclusion is contemplated, the gravity of the circumstances requires particular emphasis to be given to procedural fairness. This includes the offer of having a support person/observer attend formal interviews. The key points of the interview/discussion should be recorded in writing.

*Evidence of compliance*

A registered non-government school will have in place policies related to the discipline of students, including but not limited to the suspension, expulsion and exclusion of students, that are based on procedural fairness.

**3.7.2 A registered non-government school must have policies related to discipline of students attending the school that do not permit corporal punishment of students.**

*Evidence of compliance*

A registered non-government school will have in place and implement policies related to the discipline of students that:

- either expressly prohibit corporal punishment or clearly and exhaustively list the school's discipline methods so as to plainly exclude corporal punishment
- do not explicitly or implicitly sanction the administering of corporal punishment by non-school persons, including parents, to enforce discipline at the school.

## **3.8 Attendance**

**A registered non-government school must keep a register of enrolments and daily attendances of all children at the school.**

The Act requires that the principal of a registered non-government school keep a register of enrolments and daily attendances of all children at the school. The register of enrolments and/or the register of daily attendances may be maintained in print or electronic form.

The attendance registers must be in a form approved by the Minister for Education. In 2010 the Minister approved a common code for the attendance registers of all New South Wales schools. The codes must be used from the start of the 2012 school year. The codes for use in either manual attendance registers or electronic attendance registers are published on the websites of the NSW Association of Independent Schools (AIS) and the NSW Catholic Education Commission (CEC).

Copies of the information in the register of enrolment and the register of daily attendance should be stored off-site at regular intervals.

In 2010 the Minister under section 25 of the *Education Act 1990* delegated the power to the principal of a non-government school to grant and cancel a certificate of exemption from being enrolled and attending school in certain prescribed circumstances.

*Evidence of compliance*

A registered non-government school must:

- maintain a register of enrolments that includes the following information for each student
  - name, age and address
  - the name and contact telephone number of parent(s)/guardian(s)
  - date of enrolment and, where appropriate, the date of leaving the school and the student's destination
  - for students older than six (6) years, previous school or pre-enrolment situation
  - where the destination of a student below seventeen (17) years of age is unknown, evidence that a Department of Education and Communities officer with home

school liaison responsibilities has been notified of the student's full name, date of birth, last known address, last date of attendance, parents' names and contact details, an indication of possible destination, other information that may assist officers to locate the student, and any known occupational health and safety risks associated with contacting the parents or student

- have in place policies and procedures to
  - monitor the daily attendance/absence of students
  - identify absences from school and/or class(es)
  - follow up unexplained absences
  - notify parent(s) and/or guardian(s) regarding poor school and/or class attendance
  - transfer unsatisfactory attendance information to student files
- maintain a register of daily attendance that includes the following information for each student
  - daily attendance, which may be recorded by noting daily absences
  - absences
  - reason for absence
  - documentation to substantiate reason for absence.

**Note:** The common code approved by the Minister must be used from 2012.

- have in place policies and procedures for exercising the Minister's delegation under section 25 of the *Education Act 1990*
- maintain records of the exercise of the above delegation including copies of all certificates issued under the delegation.

The register of enrolments must be retained for a minimum period of five (5) years before archiving. The register of daily attendances must be retained for a period of seven (7) years after the last entry was made.

## **3.9 Management and operation of the school**

### **3.9.1 Each person defined under the Act as a 'responsible person', and any other person or body exercising similar functions in relation to the school as those of a 'responsible person', is of good character.**

Section 47(b) of the Act contains a good character requirement for responsible persons. The Act defines a 'responsible person' as:

- the proprietor of the school and, if the proprietor is a corporation, each director or person concerned in the management of the school, or
- a member of the governing body of the school, or
- the principal of the school.

Where the proprietor of a school is a corporation, persons concerned in the management of the school may include trustees. In considering whether a person defined as a 'responsible person' under the Act, or any other person or body exercising similar functions, is of good character, the Board of Studies will consider a number of relevant factors. In considering these factors, the Board will have regard to the principles of procedural fairness.

Whether someone is of good character is a question of fact to be determined by considering that person's enduring moral qualities. While good character in this sense is separate from

reputation, a person's reputation may throw light on their character. Accordingly, a person's reputation may be taken into account in determining whether someone is a person of good character. However, a person's reputation may only be taken into account as an adjunct to the central purpose of identifying their enduring moral qualities. In assessing a person's enduring moral qualities, the Board may take into account all of the circumstances of each person, and, in particular:

- (a) whether the person or entity has ever been convicted of an offence;
- (b) whether the person or entity has ever been bankrupt or wound up;
- (c) whether the person has engaged in deliberate conduct, whilst not criminal, suggests a deliberate pattern of immoral, unethical or sharp behaviour.

So far as (a) is concerned, the fact that a person may, at some time, have been convicted of an offence does not necessarily mean that their enduring moral qualities are such that they should not be regarded as being of good character. For example, the conviction may have been trivial or very distant in time, and may have been followed by years of exemplary conduct. Consequently, where a person has been convicted of an offence, it will be necessary to consider the nature of the offence, how long ago it was that the conviction was recorded, and the person's conduct since the time of the conviction.

With regard to (b), where a person has been bankrupted or an entity has been wound up, the circumstances and distance in time of the bankruptcy or winding up must be considered.

Paragraph (c) above involves more complex considerations. Breaches of federal or state laws that fall short of constituting criminal offences may be trivial and unintentional. On that basis, they may not provide evidence of an absence of good character. However, there will be occasions when non-criminal breaches of law may indicate the presence of moral turpitude such as where there is evidence of:

- a pattern of non-criminal offences without sufficient remorse or a reasonable attempt at rectifying subsequent conduct;
- the frequent and deliberate setting up of multiple corporate ventures which then fail may justify drawing the inference that those responsible are engaged in sharp practice. As sharp practice is a judgement about a person's moral quality, such conduct could be taken into account in determining an absence of good character.

The conduct at (c) may involve offences or breaches of the statutes listed in section 11.2 of this Manual Appendix 2 – Information about other legislation. In such cases:

- (4) the commission of an offence under any of them could form the basis for a bad character conclusion;
- (5) the breach of the legislation without the concomitant commission of a criminal offence, by itself would not generally impact upon a person's good character unless the breaches were deliberate and could reasonably be seen as impacting upon the moral qualities of the person in question.

The Board may also take into account whether there is adverse information as to the person's mental health. Where a person becomes mentally incapacitated and becomes a patient at an institution because of that incapacity or a protected person under the

Protected Estates Act 1983, the specific circumstances of the incapacity must be considered.

These matters are not definitive but are used as an insight into the character of the person. In the event that any of the above matters are established, the Board will also have regard to any explanations for that state of affairs and the person's current character.

*Evidence of compliance*

The Board will consider any notification made as described in section 3.9.3 of the Manual having regard to the requirements provided above.

A registered non-government school must have in place processes of notification and disclosure by which it can provide assurance to the Board of Studies that each person defined under the Act as a 'responsible person', and any other person or body having similar functions in relation to the management or operation of the school as those of a 'responsible person', is of good character. The school proprietor will be required to provide certification at the time of making an application for initial or renewed registration that the school's own processes are conformable with these requirements.

**3.9.2 Any refusal to register, or cancellation of registration, of the school or any other school under Sections 56 or 59 occurring during the period of five (5) years immediately before the application for registration is made, has not been largely attributable to the actions of:**

- a 'responsible person' for the school or proposed responsible person, or
- any other person or body exercising similar functions in relation to the management or operation of the school to those of a 'responsible person'.

*Evidence of compliance*

A registered non-government school must have in place processes of notification and disclosure by which it can provide assurance to the Board of Studies that any refusal to register, or cancellation of registration, of the school or any other school under Section 56 or 59 of the Education Act occurring during the period of five (5) years immediately before an application for registration is made, has not been largely attributable to the actions of:

- a 'responsible person' for the school, or
- any other person or body exercising similar functions in relation to the management or operation of the school to those of a responsible person.

**3.9.3 The Board of Studies must be notified of certain matters.**

1 The Act requires that any person defined as a 'responsible person' under the Act (and any other person or body exercising similar functions in relation to the management and operation of the school) be of good character and be able to carry out their responsibilities in relation to the operation of the school. Specifically, the Act requires that the Board of Studies be notified if a person defined as a 'responsible person' under the Act:

- is convicted of an offence that is punishable by imprisonment for twelve (12) months or more

or

- becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvency debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit

or

- if the person is a corporation – is the subject of a winding up order or has had a controller or administrator appointed.

In the above circumstances the Act requires that a 'responsible person' for the school notify the Board of Studies and at least one other 'responsible person' of the circumstances surrounding the conviction, bankruptcy, insolvency, winding up order or appointment of the controller or administrator as soon as practicable after it occurs. Notifications in relation to (1) are subject to the Board of Studies Privacy Management Plan. There is no notification requirement for the above if the person concerned ceases to be a 'responsible person'.

2 The Act also requires the Board of Studies and at least one other 'responsible person' to be notified if a 'responsible person' becomes a mentally incapacitated person and becomes

- a patient at an institution because of that incapacity
- or
- a protected person under the *Protected Estates Act 1983*.

Notifications in relation to (2) are subject to the Board of Studies Privacy Management Plan. There is no notification requirement for the above if the person concerned takes leave from the position or ceases to hold the position.

3 The Act requires that the Minister be notified if the school moves or is sold. To comply with this requirement the proprietor and/or principal must notify the Board of Studies. Specifically:

- (b) if a registered non-government school or part of a school proposes to move to new premises, written notice is to be given by the proprietor and/or the principal of the school to the Board at least three (3) months before relocation. This particularly relates to moving premises and buildings connected with the teaching of courses of study, the amenities for teachers and students participating in those courses of study and boarding facilities provided for students by the school
- (c) if the legal entity that owns a registered non-government school is sold, written notice of the sale is to be given by the purchaser to the Board within seven (7) days of the completion of the sale.

For the purposes of this section of the Act, relocation or new premises means any site where the street address of that site is different to, or in addition to, the street address at which the school is currently registered on the Certificate of Registration.

4 The Act also makes provision for schools to provide returns to the Board. Specifically, the proprietor or the principal of a registered non-government school must provide returns to the Board of Studies concerning the requirements for registration in relation to the school in a form, and at the times, approved by the Board for that purpose.

To comply with the requirements detailed in (1), (2), (3) and (4) above, such notification should be forwarded to the Office of the Board of Studies.

*Evidence of compliance*

A registered non-government school must demonstrate that processes are in place by which:

- the proprietor of the school, and, if the proprietor is a corporation, each director, trustee or person concerned in the management of the school
- each member of the governing body of the school, and
- the principal

are informed of their responsibilities under the Act, any Regulations under the Act and the Board of Studies requirements, including any duties of disclosure or notification.

A registered non-government school must provide, and document its process for providing, a return to the Board of Studies if, following an investigation by a relevant agency or authority, the school is formally notified in writing by that agency or authority of an alleged breach by the school of any of the following legislation:

- *Ombudsman Act 1974*
- *Commission for Children and Young People Act 1998*
- *Institute of Teachers Act 2004*
- *Disability Discrimination Act 1992*
- *Occupational Health and Safety Act 2000*
- *Environmental Planning and Assessment Act 1979*
- *Food Act 2003*
- *Explosives Act 2003*
- *Building Code of Australia.*

Such notification must be provided to the Board within fourteen (14) working days of the formal notification of an alleged breach.

A registered non-government school must provide, and document its process for providing, a return to the Board of Studies when changes occur to the:

- *management and operation of the school*
  - where a notification in relation to a 'responsible person' is required (see sections 3.9.3 (1) and (2) of this Manual)
  - where there has been an appointment of a new principal (or equivalent) the Board of Studies must be notified within one (1) month of such change(s) occurring
  - where the school has been sold, written notice is to be given by the purchaser to the Board of Studies within seven (7) days of completion of the sale
  - where the school's proprietor changes for any other reason, written notice is to be given by the new proprietor to the Board of Studies within seven (7) days of the change
  - where the school intends to change its name, written notice is to be given one (1) month prior to such change taking effect
  - where the school closes or ceases to operate (see section 2.4.7 of this Manual), written notice is to be given within one (1) month of the change
- *staffing of the school* – where there is a turnover of half or more of the teaching staff during any twelve (12) month period, the Board of Studies must be notified at the commencement of the next new term
- *curriculum* – where the school

- increases the scope of its curriculum by teaching one or more courses in a KLA from which it has not previously taught any courses, the Board of Studies must be notified within one (1) month of such a change being implemented
- intends to deliver all or a significant part of students' courses of study by means of distance education, the Board of Studies must be notified at least nine (9) months prior to the implementation of such a change. This excludes situations where a school that does not normally deliver courses by means of distance education provides units of work/activities for a student who has been granted leave by the principal and/or courses of study that its students access through outside tutors or external providers
- *premises and buildings* – where the school intends to
  - add another campus, the Board of Studies must be notified at least three (3) months prior to the implementation of such a change
  - move to a new site, written notice must be given to the Board of Studies by the principal (or equivalent) and/or proprietor of the school three (3) months prior to the relocation
  - close or cease operating a campus (see section 2.4.7 of this Manual), the Board of Studies must be notified within one (1) month of such a change
- *schools with or intending to provide boarding facilities*
  - relocate the boarding facilities on the school site or move the facilities to a new site, written notice must be given to the Board of Studies by the principal (or equivalent) and/or proprietor of the school three (3) months prior to the relocation
  - where there is a turnover of half or more of the full-time staff with supervisory responsibilities for boarders during any twelve (12) month period, the Board of Studies must be notified at the commencement of the new term
  - where the school intends to provide regular overnight accommodation for students at the school, either itself or by contractual arrangement, the Board of Studies must be notified at least nine (9) months prior to the intended date of initial provision of such facilities.

## **3.10 Educational and financial reporting**

### **3.10.1 A registered non-government school must have policies and procedures that ensure its participation in annual reporting to publicly disclose the educational and financial performance measures and policies of the school.**

The Act requires each registered non-government school to prepare an annual report of a kind determined by the Minister on the school's performance measures and policies as identified by the Minister. Accordingly, the Minister has determined that the performance measures and policies that must be included in the annual report relate to:

- a message from key school bodies
- contextual information about the school
- student outcomes in standardised national literacy and numeracy testing
- student performance in statewide tests and examinations
- professional learning and teacher standards
- workforce composition

- senior secondary outcomes
- student attendance and management of non-attendance
- retention of Year 10 to Year 12 (where relevant)
- post-school destinations
- enrolment policies and characteristics of the student body
- school policies
- school determined improvement targets
- initiatives promoting respect and responsibility
- parent, student and teacher satisfaction
- summary financial information.

Each registered non-government school's annual report must include the following information:

- a message from key school bodies
- contextual information about the school
- student outcomes in standardised national literacy and numeracy testing
- the results of the School Certificate and the Higher School Certificate including comparison of student performance to statewide performance and trends in student performance.

Where it does not contravene privacy and personal information policies, graphical and/or tabulated presentation of this information is required and should show:

- comparative performance over time,
- comparisons with statewide performance, and
- comparative information in relation to similar schools where appropriate.

Interpretive comments for the graphical/tabulated information presented must be provided.

Publication of performance data must be consistent with the requirements of all relevant State and national legislation.

- senior secondary outcomes including:
  - percentage of students in Year 12 undertaking vocational or trade training, and
  - percentage of students in Year 12 attaining a Year 12 certificate or equivalent VET qualification
- a summary of professional learning undertaken by teachers (as defined by the *Institute of Teachers Act 2004*) during the year
- details of all teaching staff (as defined by the *Institute of Teachers Act 2004*) who are responsible for delivering the curriculum in terms of the numbers in the following categories:
  - (i) having teacher education qualifications from a higher education institution within Australia or as recognised within the National Office of Overseas Skills Recognition (AEI-NOOSR) guidelines, or
  - (ii) having a bachelor degree from a higher education institution within Australia or one recognised within the AEI-NOOSR guidelines but lack formal teacher education qualifications, or
  - (iii) not having qualifications as described in (i) or (ii) but having relevant successful teaching experience or appropriate knowledge relevant to the teaching context. Such teachers must have been employed to 'teach' in NSW before 1 October 2004

(either on a permanent, casual or temporary basis), and as a 'teacher' during the last five (5) years in a permanent, casual or temporary capacity

- workforce composition, including indigenous (as known and with regard to consideration of privacy issues)
- student attendance rates for each Year level and the whole school
- a description of how the school manages student non-attendance
- retention of Year 10 to Year 12 (where relevant)
- post-school destinations (secondary schools only). For students beyond the compulsory years of schooling these can be represented in broad terms (eg workforce, further study, unknown) and in the most appropriate way according to each school's circumstances
- enrolment policies, including any prerequisites for continuing enrolment
- characteristics of the student body
- school policies. A summary of policies for student welfare, discipline and complaints and grievances, with information on:
  - changes made to these policies during the reporting year
  - how to access or obtain the full text of these policies
- priority areas for improvement as selected by the school including comments on the achievement of priorities for the previous year. The areas selected for improvement by the school may or may not include targets for student achievement
- actions undertaken by the school to promote respect and responsibility. These may relate to respectful behaviour, involvement in community service activities, and specific class-based activities
- a description in plain language of parent, student and teacher satisfaction. This can be represented in the most appropriate way according to each school's circumstances
- summary financial information which includes:
  - income from all sources, including Commonwealth and State grants and subsidies and all private income, including fees and donations
  - expenditure on all purposes, including teaching and learning, administration and financing (ie borrowing costs, depreciation, etc).

Financial information is to be based on and reported in a form consistent with the detailed information provided to the Commonwealth Government each year in the Commonwealth Financial Questionnaire.

The presentation of financial information may be in graphical forms such as pie charts, provided that each segment of the graphic represents specific dollar amounts aggregated from the financial information that each school provides annually to the Commonwealth. Where schools use a graphical representation, the overall financial position of the school must be organised according to the areas covered by the Commonwealth Questionnaire as follows:

- Graphic one – recurrent/capital income, with segments detailing percentages derived from
  - fees and private income
  - State recurrent grants
  - Commonwealth recurrent grants
  - government capital grants

- other capital income
- Graphic two – recurrent/capital expenditure, showing percentages spent on
  - salaries, allowances and related expenses
  - non-salary expenses
  - capital expenditure.

*Evidence of compliance*

A registered non-government school must have policies and procedures that ensure its participation in annual reporting to publicly disclose the educational and financial performance measures and policies of the school as identified by the Minister.

Schools may include the information covered by these requirements within their existing reporting documentation, or produce a separate report. If information addressing these requirements is incorporated in existing documentation, it must be by way of a clearly identified, separate section. The Act requires that this information be publicly disclosed. Ideally, this information will be published or its availability advertised online if the school has a website.

The school's annual report must be provided in an online or appropriate electronic form to the Board of Studies unless otherwise agreed by the Board.

Reports are to relate to each school year. Each non-government school is to produce a report by no later than 30 June in the year following the reporting year.

**3.10.2 A registered non-government school must have policies and procedures that ensure it can provide data to the Minister that is relevant to the Minister's annual report to Parliament on the effectiveness of schooling in the State.**

The Minister reports annually to Parliament on a range of issues including the results of basic skills testing, the School Certificate tests and the Higher School Certificate examinations. The Regulations under the Act make provision for the extent to which these results can be made public. From time to time the Minister may require additional information for the annual report to Parliament. Schools will be notified if any additional information is required. Such notification will be provided at least three (3) months prior to the information being required.

*Evidence of compliance*

A registered non-government school must have policies and procedures that ensure it can provide data to the Minister that is relevant to the Minister's annual report to Parliament on the effectiveness of schooling in the State.

Such data from non-government schools will be provided to the Board of Studies in an online or appropriate electronic form unless otherwise agreed by the Board.

### 3.11 Schools with boarding facilities

**If a registered non-government school provides boarding facilities, whether itself or by contractual arrangement, the school must have policies and procedures that are satisfactory to ensure the safety and welfare of boarders.**

A school that provides boarding facilities is one that regularly provides overnight accommodation for students enrolled at the school, either itself or by contractual arrangement. Boarding facilities exclude accommodation provided away from school premises for day students during a brief school trip and 'home stay' accommodation.

The requirements that are appropriate to ensure the safety and welfare of boarders are contained in a set of minimum standards for the safety and welfare of boarders as described in requirements 3.11.1–3.11.8.

While the title and scope of policies and procedures that a school will have in place in relation to requirements 3.11.1–3.11.8 will vary from school to school depending on the school's philosophy, ethos and practice, each requirement must be addressed within the totality of the school's policies and procedures.

#### **3.11.1 A registered non-government school's aims and guiding principles in relation to boarding are available to stakeholders in a student's education and welfare.**

Stakeholders in a student's education include parents, guardians and the Board of Studies.

##### *Evidence of compliance*

A registered non-government school must have in place, and make available to stakeholders in a student's education, policies and procedures that include:

- the aims and organisation of boarding at the school
- the enrolment policy, if different from the day school enrolment policy
- any special aspects of the school's boarding facilities, for example co-educational, weekday-only boarding
- a description of the facilities and support services provided for boarders
- how the school's policies for boarding relate to day school policies
- communication mechanisms.

#### **3.11.2 Boarders are provided with accommodation that complies with legislative requirements.**

##### *Evidence of compliance*

A registered non-government school must:

- assess and monitor the standard and state of repair of boarding premises, buildings and facilities, taking into account the requirements of relevant legislation including the
  - *Explosives Act 2003*
  - *Occupational Health and Safety Act 2000*
- undertake and maintain details of annual fire safety assessments that comply with Part 9 Division 5 of the *Environmental Planning and Assessment Regulation 2000*
- maintain written evidence that any school premises and/or buildings first occupied after 2003 comply with all legislation relevant at the time of occupation

- maintain written evidence that any school premises and/or buildings that are the subject of a development application after 2003 comply with all legislation relevant at the time of occupation
- confirm that it has policies and procedures to meet the requirements of the *Disability Discrimination Act 1992* in terms of the school's boarding buildings and premises.

For buildings that are the subject of a development consent or erected since 1997, the school will have a Certificate of Compliance with Class 3 (Boarding and Hostel Zone) of the Building Code of Australia (BCA).

### **3.11.3 The rights and responsibilities of boarders are defined and respected.**

For schools with boarding facilities:

- Suspension is a temporary removal of a student from the boarding facilities that a student would normally use for a set period of time.
- Expulsion is the permanent removal of a student from the boarding facilities of one particular school.
- Exclusion is the act of preventing a student's admission to a number of schools. In extreme circumstances, the principal of a school may make a submission to an appropriate authority, or to other schools, recommending the permanent exclusion of a student from the registration system that the school is a member of, or from other schools.

#### *Evidence of compliance*

A registered non-government school must have in place policies and procedures that include:

- codes of conduct for members of the boarding community describing the
  - rights and responsibilities of boarders
  - role of any student leadership system (or equivalent) in the boarding school organisation and how the system is monitored
- management of student behaviour including but not limited to processes for suspension, expulsion and exclusion that are based on procedural fairness
- a process for handling complaints that describes how matters of concern can be raised and a process for responding to those concerns.

### **3.11.4 Staff are trained and the school meets legislative requirements in relation to child protection.**

#### *Evidence of compliance*

A registered non-government school must have in place policies and procedures to:

- ensure that all staff directly involved with the supervision of boarders are informed of the legal responsibilities related to child protection, mandatory reporting and other relevant school expectations
- ensure that requirements to notify and investigate allegations of reportable conduct in compliance with the *Ombudsman Act 1974* are made known to staff
- ensure that the school meets the employment screening and notification requirements of the *Commission for Children and Young People Act 1998*

- ensure that all staff, volunteers, outside tutors and outsourced providers are informed of their obligations under the *Commission for Children and Young People Act 1998*
- respond to reportable matters in accordance with legislative requirements
- ensure that all staff who are mandatory reporters under the *Children and Young Persons (Care and Protection) Act 1998* are informed of their obligations and the manner in which the school expects them to comply
- ensure that all staff have up-to-date staff handbooks and undertake professional development as determined by the principal.

### **3.11.5 Risk of harm as defined in the *Children and Young Persons (Care and Protection) Act 1998* is minimised for boarders.**

#### *Evidence of compliance*

A registered non-government school must have in place policies and procedures to minimise the risk of harm that include supervision with specific reference to:

- identification of staff with allocated responsibility for students over a twenty-four (24) hour period
- procedures for monitoring the whereabouts of students over a twenty-four (24) hour period
- protocols and guidelines, including risk management, for boarders undertaking on-site and off-site activities
- protocols for leave and travel arrangements.

### **3.11.6 Boarders' physical wellbeing and development are provided for and monitored.**

#### *Evidence of compliance*

A registered non-government school must have in place policies and procedures to provide for and monitor boarders' physical wellbeing and development that include:

- supplying food that meets the Australian Dietary Guidelines
- catering that complies with the requirements of the *NSW Food Act 2003*
- facilities, personnel and programs for physical activity.

The school must also have in place policies and procedures for health care including:

- twenty-four (24) hour access to emergency medical assistance
- training of all staff directly involved in the supervision of boarders to the equivalent of Level 2 Senior First Aid Certificate
- monitoring the physical health of boarders
- consent from and notification of parents/guardians regarding the administering of first aid and medical care
- managing communicable and infectious diseases
- managing immunisation and screening
- distribution and monitoring of medication
- care of ill boarders
- ancillary health services, including facilities and personnel available on-site and off-site and how to access these services.

**3.11.7 Boarders' personal development and emotional wellbeing are provided for and monitored.**

*Evidence of compliance*

A registered non-government school must have in place policies and procedures to provide for and monitor boarders' personal development and emotional wellbeing that include:

- personnel responsible for pastoral care
- identification of and support for students with special needs
- homework and access to assistance with homework
- access to counselling where required
- provision for parent/guardian–student communication.

**3.11.8 Day-to-day management of the boarding accommodation and facilities protects boarders and meets legislative requirements.**

*Evidence of compliance*

A registered non-government school must have in place policies and procedures to protect boarders that include:

- security of the boarding school and its students, buildings and facilities for twenty-four (24) hour each day
- response to serious incidents and emergencies.

## **4 Provisional Registration including Initial Registration**

Provisional registration applies to new schools and new Year(s) of schooling in their first year of registration. This first period of registration is initial registration.

Provisional registration also applies as a sanction to established schools where the Board is satisfied that there are concerns about compliance with the registration requirements.

### **4.1 Initial registration**

Newly registered non-government schools must meet the requirements of the Act upon commencement of operation.

It may not be possible for a proposed new school to provide evidence of compliance with all sections of the Act prior to commencement. It is expected, however, that the applicant will provide evidence of policies and procedures that will ensure compliance of the school with the requirements of the Act should the application be successful. If the application for initial registration is successful, the new school is required to meet all the requirements detailed in section 3 of this Manual and must, throughout its period of initial registration, maintain evidence of compliance with those requirements.

Based on the requirements described in section 3 of this Manual, the following evidence of capacity to comply is required for proposed new schools to be considered for initial registration.

Any difference in the description of initial registration requirements in this section and those described in section 3 is only intended to take account of the fact that compliance with some requirements cannot be demonstrated until the school begins operation. On commencing operation, the requirements in section 3 apply.

#### **4.1.1 Legal entity**

*Evidence of capacity to comply*

The proposed individual non-government school must provide evidence that the proposed proprietor is one of the types of legal entity approved by the Minister to operate an individual registered non-government school.

#### **4.1.2 Staff**

*Evidence of capacity to comply*

The proposed non-government school must:

- have in place a feasible workforce plan based on projected enrolment
- provide an assurance that all teaching staff who will be responsible for delivering the curriculum as described by Parts 1, 3, 7 and 8 of the *Education Act 1990* will have qualifications from a recognised teacher education institution within Australia or as recognised within the National Office of Overseas Skills Recognition (NOOSR) guidelines

- identify any course(s) that it intends to offer through study with outside tutor(s) in its first year of operation. Where this is the intention, documented guidelines must be in place that outline the process to be used to
  - verify each outside tutor's capacity to teach a course
  - ensure that in accessing an outside tutor the proposed school would continue to comply with the mandatory employment requirements under the *Commission for Children and Young People Act 1998*
  - ensure that the Board of Studies curriculum and, where relevant, assessment requirements will be met by each outside tutor
- identify any course(s) that it intends to outsource to external provider(s) in its first year of operation. Where this is the intention, documentation must be provided that includes
  - an outline of the processes that would be used to determine the suitability of the provider(s) to deliver the course(s)
  - an outline of the processes to be used to ensure that the outsourced courses comprise a minority of each student's overall pattern of study for each Stage of learning
  - procedures to ensure that each outsourced provider complies with the *Commission for Children and Young People Act 1998* for any person involved in the delivery of an outsourced course
  - the respective responsibilities of the proposed school and possible external provider(s) including procedures that will be put in place to ensure that course(s) of study and, where relevant, assessment requirements will be met.

### **4.1.3 Curriculum**

#### *Evidence of capacity to comply*

- 4.1.3.1** The proposed non-government school must:
- provide a summary of the proposed total number of teaching hours per Year/class and KLA/subject
  - provide an overview of the school's educational program indicating
    - the scope and sequence of proposed learning/units of work in relation to outcomes of the Board of Studies syllabus for each KLA for each Year
    - resources and equipment available for each KLA
    - an assessment plan indicating how students' performance in each KLA is to be assessed, monitored and recorded
    - the proposed process for reporting student achievement
  - describe how the proposed school, if secondary and applying for registration only, will inform parents of students in writing each year that the proposed school will not be eligible to enter candidates for the award of the School Certificate and will indicate the consequences for potential candidates for that Certificate of the proposed school not being accredited.

**4.1.3.2** If the proposed non-government school intends to apply to the Board of Studies to modify an outcome(s) of a Board of Studies syllabus due to incompatibility with the proposed school's educational philosophy or religious outlook, additional documentation must be provided that includes:

- the specific Board of Studies syllabus outcome(s) that are proposed to be modified
- the philosophical or religious reasons for proposing to modify the identified Board syllabus outcome(s)
- the proposed modified educational outcome(s)
- how the identified Board of Studies outcome(s) would be incompatible with the educational philosophy and/or religious outlook of the proposed school
- how the proposed modified outcome(s) are compatible with the educational philosophy and/or religious outlook of the proposed school
- how the proposed modified outcome(s) will be appropriate for potential students with respect to their level of achievement and needs
- how the proposed modified outcome(s) comply with the curriculum guidelines developed by the Board and approved by the Minister in section 11.1 of this Manual
- an overview of the proposed school's educational program indicating where the modified outcome(s) approved by the Board would occur in relation to the scope and sequence of learning/units of work referred to in section 4.1.3.1 above
- an assessment plan indicating how student achievement of any proposed modified outcome(s) would be assessed, monitored and recorded.

Modifications approved under this provision are not permitted to the curriculum for the School Certificate or Higher School Certificate.

In the event that the Board is unable to approve a modification because of an inconsistency between the modification sought and the curriculum guidelines, a review of that aspect of the curriculum guidelines may be requested.

**4.1.3.3** If the proposed non-government school intends to deliver all or a significant part of the curriculum to its enrolled students in distance education mode, additional documentation must be provided which includes:

- the courses that it proposes to deliver on-site and by means of distance education
- policies and procedures for authenticating potential student work
- guidelines for people such as family or community members who may act as on-site supervisors of a student's distance education work
- policies and procedures in relation to providing a minimum of fifteen (15) days of 'residential school' sessions each school year for each potential distance education student undertaking all of their courses of study by distance education. The minimum number of days of 'residential school' sessions that the proposed school intends to provide for students undertaking less than a full program of study by means of distance education is to be calculated on a pro-rata basis

- policies and procedures in relation to providing additional 'residential school' sessions for students undertaking courses that include practical components
- policies and procedures in relation to teacher visits to students
- samples of the teaching programs for each course to be delivered by means of distance education, including teaching and learning activities that would be provided to students
- the proposed annual schedule for teaching programs and activities to be undertaken on the days of 'residential school' sessions
- the proposed annual schedule for additional 'residential school' sessions for courses that have a practical component.

**4.1.3.4** If the proposed non-government school is applying for registration as a school providing education of a kind, or for children of a kind, documentation must be provided which:

- describes the children of a kind for whom it is proposed the school would provide an education
- explains how the proposed curriculum meets the needs of potential students
- outlines the proposed total number of teaching hours per Year/class for each course/learning area
- provides an overview of the proposed school's educational program indicating
  - the scope and sequence of learning/units of work in relation to the outcomes for each course/learning area for each Year
  - resources and equipment available for each course/learning area
  - an assessment plan indicating how students' performance in each proposed course will be assessed, monitored and recorded
  - the proposed process for reporting student achievement
- describe how the proposed school, if secondary and applying for registration only, will inform parents of students in writing each year that the proposed school will not be eligible to enter candidates for the award of the School Certificate and will indicate the consequences for potential candidates for that Certificate of the proposed school not being accredited.

Where a non-government school is applying for initial registration to provide education for children of foreign nationals, the teaching staff must hold qualifications that are deemed appropriate by the relevant education authority (or equivalent) to teach the curriculum being delivered.

#### **4.1.4 Premises and buildings**

##### *Evidence of capacity to comply*

The proposed non-government school must:

- provide written evidence that the proposed premises and buildings comply with all legislation relevant at the time of occupation
- have documented policies to assess and monitor the standard and state of repair of proposed premises and buildings, making reference to current building requirements

- provide details of a fire safety assessment of the proposed premises which demonstrates compliance with Part 9 Division 5 of the *Environmental Planning and Assessment Regulation 2000*
- confirm that it has policies and procedures to meet the requirements of the *Disability Discrimination Act 1992* in terms of the school's buildings and premises.

#### **4.1.5 Facilities**

*Evidence of capacity to comply*

The proposed non-government school must:

- identify the range of educational facilities that will be available for each of the courses of study it proposes to deliver, the potential number of students for each course, whether the facilities will be provided on-site and the frequency of access to off-site facilities
- provide written evidence that the proposed facilities will comply with all relevant local council and government legislation
- have policies to assess and monitor the current standard and state of repair of proposed facilities, when established, taking into account the requirements of relevant legislation including the
  - *Explosives Act 2003*
  - *Occupational Health and Safety Act 2000*.

#### **4.1.6 Safe and supportive environment**

*Evidence of capacity to comply*

- 4.1.6.1** The proposed non-government school will have in place documented policies and procedures to:
- ensure that staff who will have direct contact with students will be informed of the legal responsibilities related to child protection, mandatory reporting and other relevant school expectations
  - ensure that requirements to notify and investigate allegations of reportable conduct in compliance with the *Ombudsman Act 1974* will be made known to the staff
  - ensure that the school will meet the employment screening and notification requirements of the *Commission for Children and Young People Act 1998*
  - ensure that all staff, volunteers, outside tutors and external providers will be informed of their obligations under the *Commission for Children and Young People Act 1998*
  - respond to reportable matters in accordance with legislative requirements
  - ensure that all staff who are mandatory reporters under the *Children and Young Persons (Care and Protection) Act 1998* will be informed of their obligations and the process that the school will have in place in relation to mandatory reporting.
- 4.1.6.2** Within the totality of the proposed school's policies and procedures the proposed non-government school must have in place policies and procedures in relation to:
- security, with specific reference to

- students
- proposed buildings and facilities
- evacuation procedures
- supervision, with specific reference to protocols and guidelines, including risk management, for students undertaking onsite and offsite activities
- codes of conduct for members of the proposed school community, with specific reference to
  - rights and responsibilities of students and staff within the proposed school's community
  - management of student behaviour
  - the role of any student leadership system (or equivalent) in the school and the monitoring of the system
  - management and reporting of serious incidents and emergencies
- complaints or grievances, with specific reference to processes for raising and responding to matters of concern identified by parents and/or students
- pastoral care, with specific reference to
  - proposed structures and personnel responsible for pastoral care including access to counselling
  - proposed provision for the identification of and provision of support for students with special needs
  - health and the distribution and monitoring of medication
  - response to serious incidents and emergencies
  - homework
- communication, with specific reference to proposed formal and informal mechanisms that will be available between the proposed school and stakeholders interested in the student's education and wellbeing.

Where the proposed school intends to allow students to study with an outside tutor or undertake outsourced courses/subjects, policies and procedures must be in place and be appropriate to ensure the personal safety and welfare of such students and their personal and social development.

**4.1.6.3** If the proposed school intends to deliver all or a significant part of the curriculum by means of distance education to its students, the proposed school must provide additional documentation that includes:

- evidence that it will make available to stakeholders in a student's education and welfare the school's guiding principles and general organisation including statements about
  - school aims
  - enrolment policies
  - student welfare policies
  - staff roles and responsibilities
  - communication mechanisms and processes for handling complaints
  - learning and social support services provided for students
  - assessment policies and procedures
- procedures to monitor students' personal and social development

- policies and procedures that will be appropriate to ensure the safety and welfare of students undertaking 'residential school' sessions where the students will be required to be accommodated away from home and the facilities/accommodation for such sessions will be provided by the proposed school itself or by contractual arrangement (excluding brief school trips and 'home stay' accommodation). Such policies and procedures must meet the standards for the safety and welfare of boarders (refer to sections 3.11.1 to 3.11.8)
- details of the proposed school's programs that focus on personal and social development
- structured experiences that focus on personal and social development at the 'residential school' sessions
- details of the proposed school's support personnel, such as a counsellor, who will assist with issues related to personal and social development as needed.

#### **4.1.7 Discipline**

*Evidence of capacity to comply*

- 4.1.7.1** The proposed non-government school will have in place policies and procedures related to the discipline of students, including but not limited to the suspension, expulsion and exclusion of students, that are based on procedural fairness.
- 4.1.7.2** The proposed non-government school will have in place policies related to the discipline of students which:
- either expressly prohibit corporal punishment or clearly and exhaustively list the proposed school's discipline methods so as to plainly exclude corporal punishment
  - do not explicitly or implicitly sanction the administering of corporal punishment by non-school persons, including parents, to enforce discipline at the proposed school.

#### **4.1.8 Attendance**

*Evidence of capacity to comply*

The proposed school must:

- describe the method it will use to maintain a register of enrolments that will include the following information for each student
  - name, age and address
  - the name and contact telephone number of parent(s)/guardian(s)
  - date of enrolment and, where appropriate, the date of leaving the school and the student's destination
  - for students older than six (6) years, previous school or pre-enrolment situation
  - where the destination of a student below seventeen (17) years of age is unknown, evidence that a Department of Education and Communities officer with home school liaison responsibilities has been notified of the student's full name, date of birth, last known address, last date of attendance, parents' names and contact details, an indication of possible destination, other information that may assist

- officers to locate the student, and any known occupational health and safety risks associated with contacting the parents or student
- have in place policies and procedures to
  - monitor the daily attendance/absence of students
  - identify absences from school and/or class(es)
  - follow up unexplained absences
  - notify parent(s) and/or guardian(s) regarding poor school and/or class attendance
  - transfer information about unsatisfactory attendance to student files
- describe the method it will use to maintain a register of daily attendance that will include the following information for each student
  - daily attendance, which may be recorded by noting daily absences
  - absences
  - reason for absence
  - documentation to substantiate reason for absence.
- describe the process it will use to retain the register of enrolments for a minimum of five (5) years before archiving
- describe the process it will use to retain the register of daily attendance for a minimum of seven (7) years after the last entry was made.

#### **4.1.9 Management and operation of the school**

##### *Evidence of capacity to comply*

The proposed non-government school must:

- provide assurance to the Board of Studies that each person defined under the Act as a 'responsible person', and any other person or body exercising similar functions, will be of good character
- provide assurance to the Board of Studies that any refusal to register, or cancellation of registration, under Section 56 or 59, within five (5) years immediately prior to the lodgement of the application for registration has not been largely attributable to the actions of
  - a 'responsible person' for the school or proposed responsible person, or
  - any other person or body exercising similar functions in relation to the management or operation of the school
- have in place documented processes by which
  - the proprietor of the proposed school or, if the proprietor is a corporation, each director concerned in the management of the proposed school
  - each member of the governing body of the proposed school, and
  - the principal
- will be informed of their responsibilities under the Act and any amendments to the Act, Board of Studies requirements and any Regulations under the Act
- have in place processes by which the Board of Studies will be notified if the school moves or is sold
- have in place processes by which returns are made to the Board of Studies when changes occur to the school (refer to section 3.9.3 of the Manual).

#### **4.1.10 Educational and financial reporting**

##### *Evidence of capacity to comply*

The proposed non-government school must have policies and procedures that can ensure:

- its participation in annual reporting to publicly disclose the educational and financial performance measures and policies of the school as identified by the Minister (refer to section 3.10.1 of the Manual). The school's annual report must be provided in an online or appropriate electronic form to the Board of Studies unless otherwise agreed by the Board
- it will provide data to the Minister that is relevant to the Minister's annual report to Parliament on the effectiveness of schooling in the State (refer to section 3.10.2 of the Manual). Such data from schools will be provided to the Board of Studies in an online or appropriate electronic form unless otherwise agreed by the Board.

#### **4.1.11 Schools with boarding facilities**

If the proposed non-government school intends to provide boarding facilities, whether itself or by contractual arrangement, the proposed school must provide policies and procedures that indicate it can meet the standards for the safety and welfare of boarders (refer to sections 3.11.1 to 3.11.8 of the Manual).

## **4.2 Concern about compliance with the requirements for registration**

Board Inspectors consider any documentation provided by a school and observations from an inspection visit in order to form opinions about compliance with the requirements of the Act in relation to registration. When it is an Inspector's judgement that there are concerns that the school may not comply with the requirements, the Inspector will discuss these concerns with the principal (or equivalent) and provide an opportunity for the school to provide further evidence of compliance.

If, following consideration of any further evidence of compliance the school provides, the Inspector continues to have concerns that the school may not comply with the requirements of the Education Act in relation to registration, the Inspector will prepare a report that includes advice that the school be placed on provisional registration.

Where advice is provided to place an existing non-government school on provisional registration, the proprietor and the principal (or equivalent) of the school will be given written notice detailing those registration requirements with which, in the opinion of the Inspector, there are concerns that the school may not comply.

The proprietor and the principal (or equivalent) will be provided with the opportunity to make written comment to the Registration Committee of the Board of Studies regarding the advice of the Inspector. Following consideration of the Inspector's advice and any written comment from the proprietor and/or principal (or equivalent) of the school, the Registration Committee, under delegation from the Board, will determine whether it intends to make a recommendation to the Minister that the school should be placed on provisional registration until such time as the situation is resolved. The proprietor and the principal (or equivalent)

will be informed in writing of the Registration Committee's intention to recommend to the Minister that the school be placed on provisional registration and may seek a review of the decision (refer to section 9.2 of the Manual).

If the Registration Committee or, following an internal review, the Board, is satisfied that there are concerns as to whether the school is complying with the requirements of the Education Act in relation to registration, the Registration Committee or, following an internal review, the Board, may recommend to the Minister that the school be placed on provisional registration.

In these circumstances, under the Act, the Minister may issue a certificate of provisional registration for the school that specifies the period of provisional registration. This may mean that the period of registration of the school is reduced. If the school is placed on provisional registration, parents of students at the school must be notified in writing by the school of the provisional registration status of the school and the consequences of the registration status.

If, at the end of this or any further periods of provisional registration, the requirements of the Education Act in relation to registration are found not to be complied with, the Registration Committee, under delegation from the Board, or, following an internal review, the Board, will recommend to the Minister that the registration of a non-government school be cancelled (refer to section 8 of the Manual).

## 5 Requirements for Accredited Non-government Schools

Registered non-government schools that are accredited must meet curriculum requirements that are additional to those detailed in section 3 of this Manual.

Accreditation for Years 7 to 10 enables a school to enter candidates for the School Certificate. Accreditation for Years 11 to 12 enables a school to enter candidates for the Higher School Certificate.

This section of the Manual details the requirements that all accredited schools must meet and the evidence of compliance that schools must maintain for the period of their accreditation. The requirements and the evidence of compliance relate to:

- the curriculum for the School Certificate
- the curriculum for the Higher School Certificate
- the quality of the education program.

The Act makes provision for requirements for the School Certificate and the Higher School Certificate to be prescribed by Regulations and developed by the Board of Studies. These requirements are outlined in the Board of Studies *Assessment, Certification and Examination (ACE) Manual*.

The maximum period for which accreditation may be renewed is five (5) years.

### 5.1 Curriculum for the School Certificate

**The curriculum for the School Certificate provided by a registered and accredited non-government school must meet the requirements of the Act.**

The curriculum from Year 7 to Year 10 for students who are candidates for the School Certificate must:

- meet the study requirements for each key learning area as detailed in Table 1 following, and
- be taught in accordance with a syllabus developed by the Board of Studies and approved by the Minister.

The requirements for the School Certificate are detailed in the *ACE Manual*. The *ACE Manual* also states the rules and procedures for the School Certificate. Schools must refer to these requirements to ensure the eligibility of students for the School Certificate credential.

Schools must refer to the *ACE Manual* for details of their responsibilities in relation to the requirements for the award of the School Certificate, the School Certificate curriculum, satisfactory completion of a course and rules concerning attendance and appeals.

The Board's mandatory curriculum requirements for the award of a School Certificate are listed below in Table 1. This core curriculum for the School Curriculum is mandatory for all accredited non-government schools.

**Table 1**

<b>English</b>	The Board Developed syllabus to be studied substantially throughout each of Years 7–10. 400 hours to be completed by the end of Year 10.
<b>Mathematics</b>	Board Developed syllabus to be studied substantially throughout each of Years 7–10. 400 hours to be completed by the end of Year 10.
<b>Science</b>	Board Developed syllabus to be studied substantially throughout each of Years 7–10. 400 hours to be completed by the end of Year 10.
<b>Human Society and Its Environment</b>	To be studied substantially throughout each of Years 7–10. 400 hours to be completed by the end of Year 10 and must include 100 hours of each of History and Geography in Stage 4 and 100 hours of each of Australian History and Australian Geography in Stage 5.
<b>Languages Other than English</b>	100 hours to be completed in one language over one continuous 12-month period between Years 7–10 but preferably in Years 7–8.
<b>Technological and Applied Studies</b>	The Board's Technology (Mandatory) Years 7–8 syllabus to be studied for 200 hours.
<b>Creative Arts</b>	200 hours to be completed consisting of the Board's 100-hour mandatory courses in each of Visual Arts and Music. It is the Board's expectation that the 100-hour mandatory courses in these subjects will be taught as coherent units of study and not split over a number of years.
<b>Personal Development, Health and Physical Education</b>	The Board's mandatory 300-hour integrated course in Personal Development, Health and Physical Education. This integrated course is to be studied in each of Years 7–10.

All time allocations detailed in Table 1 are indicative. Indicative hours represent the time expected for a typical student to achieve the objectives and outcomes of the course. The indicative time for a course is therefore directly related to that course's objectives and outcomes.

### *Evidence of compliance*

A registered and accredited non-government school must have in place policies and procedures to monitor the compliance of each student with the requirements for eligibility for the award of the School Certificate.

A registered and accredited non-government school must maintain documentation for each calendar year of the current accreditation period that provides evidence of:

- timetables showing the allocation of time and teachers for each Year/class
- the total number of hours allocated to each course
- an overview of the educational program indicating
  - the scope and sequence of learning units/units of work mapped against the content and outcomes of the relevant Board syllabus for each course
  - resources and equipment available for each KLA
- assessment policies and procedures which comply with the requirements documented in the *ACE Manual* and Board of Studies Official Notices. These policies should include statements of school procedures relating to the allocation of grades in each School Certificate course
- confirmation that the school has policies for special provision examinations in accordance with the *ACE Manual*
- an overview of the process for reporting student achievement.

For each calendar year the school must maintain, until the end of that calendar year, documentation that includes:

- teaching programs for each unit of work for each course for each Year/class. The units of work should correspond to those identified in the scope and sequence for that year
- samples of student work that relate to the teaching program for that year.

## **5.2 Curriculum for the Higher School Certificate**

**The curriculum for the Higher School Certificate provided by a registered and accredited non-government school must meet the requirements of the Act.**

The requirements for the Higher School Certificate are detailed in the *ACE Manual* and Board of Studies Official Notices. To qualify for the Higher School Certificate students must satisfactorily complete a Preliminary pattern of study comprising at least 12 units and a HSC pattern of study comprising at least 10 units. Both patterns must include:

- at least six units from Board Developed Courses
- at least two units from a Board Developed Course in English
- at least three courses of two units value or greater (either Board Developed or Board Endorsed Courses)
- at least four subjects.

To satisfy pattern of study requirements for the Higher School Certificate a student may count a maximum of six (6) HSC units from courses in Science.

The rules and procedures for the Higher School Certificate are detailed in the *ACE Manual* and Board of Studies Official Notices. Schools must refer to these rules and procedures to ensure the eligibility of students for the Higher School Certificate credential.

Schools must refer to the *ACE Manual* and Board of Studies Official Notices for details of their responsibilities in relation to the requirements for the award of the Higher School Certificate, including satisfactory completion of a course and appeals.

*Evidence of compliance*

A registered and accredited non-government school must have in place policies and procedures to monitor the compliance of each student with the requirements for eligibility for the award of the Higher School Certificate.

A registered and accredited non-government school must maintain documentation for each calendar year of the current accreditation period that provides evidence of:

- timetables showing the allocation of time and teachers for each Year/class
- the total number of hours allocated to each Preliminary and HSC course
- an overview of the educational program indicating
  - the scope and sequence of learning units/units of work mapped against the content and outcomes of the relevant Board syllabus for each course
  - resources and equipment available for each KLA
- assessment policies and procedures which comply with the requirements documented in the *ACE Manual* and Board of Studies Official Notices
- confirmation that the school has policies for special provision examinations in accordance with the *ACE Manual*
- an overview of the process for reporting student achievement.

The assessment policies must include statements of school procedures relating to:

- organisational details of the school's assessment program for each course, giving the number and types of assessment tasks, components and weightings, and scheduling of the tasks
- marking, recording and reporting student achievement in assessment tasks
- administrative arrangements associated with absence from an assessment task, late submission of tasks due to illness or misadventure, malpractice and invalid or unreliable tasks
- student appeals against assessment rankings
- 'N' determinations
- providing students with written advice about the school's requirements for assessment in each course.

For each calendar year the school must maintain, until the end of that calendar year, documentation that includes:

- teaching programs for each unit of work for each course for each Year/class. The units of work should correspond to those identified in the scope and sequence for that year
- samples of student work that relate to the teaching program for that year.

### **5.3 Quality of the educational program**

In deciding whether the requirements of the Act relating to the courses of study for the School Certificate and/or Higher School Certificate are being complied with at a registered and accredited non-government school, the Act requires that the Board of Studies assess the quality of the educational program. The main matters that the Board of Studies will have regard to when assessing the quality of the educational program are:

- the record (if any) of achievement of students
- the standard of teaching of courses at the school, and
- the facilities provided at the school for the courses.

### **5.3.1 Registered and accredited non-government schools will have in place processes by which they can record achievement of students.**

Students' achievement may be demonstrated by a number of indicators. These indicators may include:

- results of external examinations such as the School Certificate, Higher School Certificate and NAPLAN
- qualitative and/or quantitative internal and/or external assessment results that can be used to assess a cohort's improvement over time
- samples of student work.

#### *Evidence of compliance*

A registered and accredited non-government school will maintain records over the period of accreditation to demonstrate student achievement.

### **5.3.2 Registered and accredited non-government schools will have in place processes by which they can demonstrate the standard of teaching of courses at the school.**

Registered and accredited secondary schools may provide courses of study themselves or by accessing outside tutors and/or external providers. Where a registered and accredited school accesses an outside tutor and/or external provider for a School Certificate and/or Higher School Certificate course, the school must refer to the *ACE Manual* and Board of Studies Official Notices which outline the requirements that the school must meet for the purpose of each of the credentials.

The standard of teaching of courses provided by the school can be demonstrated by:

- the consistency between
  - syllabus/course outcomes
  - scope and sequence of teaching program
  - teaching and learning activities, and
  - samples of student work
- student evaluation and teacher reflection/evaluation of teaching and learning activities
- progressive achievement of students over time.

#### *Evidence of compliance*

A registered and accredited non-government school will maintain records over the period of accreditation to demonstrate the standard of teaching of courses at the school.

For each student undertaking one or more courses that have been outsourced through an outside tutor and/or external provider, the school will maintain records:

- to demonstrate that each student's overall pattern of study meets the eligibility requirements for the School Certificate or Higher School Certificate
- of a written statement from the outside tutor/external provider that the course will be taught in accordance with the Board of Studies syllabuses

- for each School Certificate and Higher School Certificate course, a written statement that the assessment program for the course delivered by the outside tutor/external provider will meet the requirements of the *ACE Manual* and Board of Studies Official Notices.

**5.3.3 Registered and accredited non-government schools will have in place processes by which they can demonstrate that the facilities provided at the school are adequate for the courses taught at the school.**

In addition to the requirements detailed in section 3.5 of the Manual, registered and accredited non-government schools need to provide assurance that the educational facilities are adequate to meet all mandatory requirements for the courses of study throughout their registration period.

*Evidence of compliance*

A registered non-government school must identify the range of educational facilities required to meet all of the mandatory requirements for each of the courses of study offered for the School Certificate and/or Higher School Certificate relative to the number of students in each course, whether the facilities are provided on-site or off-site and the frequency of access to off-site facilities.

## 6 Provisional Accreditation including Initial Accreditation

Provisional accreditation applies to new schools and established schools who are newly approved for accreditation in their first year of accreditation. The first period of accreditation is initial accreditation.

Provisional accreditation also applies to established schools where the Board is satisfied that there are concerns about compliance with the requirements of the Act relating to the School Certificate and/or Higher School Certificate.

### 6.1 Initial accreditation

Newly accredited non-government schools must meet the requirements of the Act upon commencement of operation.

It may not be possible for a proposed new school to provide evidence of compliance with all sections of the Act relating to the School Certificate and/or Higher School Certificate prior to commencement. It is expected, however, that the applicant will provide evidence of policies and procedures that will ensure compliance of the school with the requirements of the Act should the application be successful. If the application for initial accreditation is successful, the school is required to meet all the requirements detailed in section 5 of this Manual and must, throughout its period of initial accreditation, maintain evidence of compliance with those requirements.

Based on the requirements described in section 5 of this Manual, the following evidence of capacity to comply is required for proposed new schools or established registered schools to be considered for initial accreditation.

Any difference in the description of initial accreditation requirements in this section and those described in section 5 is only intended to take account of the fact that compliance with some requirements cannot be demonstrated until the school begins to operate as an accredited school. On commencing operation, the requirements in section 5 apply.

#### 6.1.1 School Certificate

##### *Evidence of capacity to comply*

A proposed non-government school must have in place policies and procedures to monitor the compliance of each student with the requirements for eligibility for the award of the School Certificate.

A proposed non-government school must provide evidence of:

- the total number of hours it intends to allocate to each course
- the scope and sequence of proposed learning units mapped against the content and outcomes of the relevant Board syllabus for each course
- resources and equipment that will be available for each KLA
- assessment policies and procedures which comply with the requirements of the *Assessment Certification and Examination (ACE) Manual*. The assessment policies

should include statements of the proposed procedures relating to the allocation of grades based on Course Performance Descriptors in each School Certificate course.

- confirmation that the school will have policies for special provision examinations in accordance with the ACE Manual
- overview of the proposed process for reporting student achievement.

### **6.1.2 Higher School Certificate**

#### *Evidence of capacity to comply*

A proposed non-government school must have in place policies and procedures to monitor the compliance of each student with the requirements for eligibility for the award of the Higher School Certificate.

A proposed non-government school must provide evidence of:

- the total number of hours to be allocated to each Preliminary and HSC course
- the scope and sequence of proposed learning units mapped against the content and outcomes of the relevant Board syllabus for each course
- resources and equipment that will be available for each KLA
- assessment policies and procedures which comply with the requirements of the *ACE Manual*.

The assessment policies should include statements of the proposed procedures relating to:

- organisational details of the proposed assessment program for each course, giving the number and types of assessment tasks, components and weightings, and the scheduling of the tasks
- marking, recording and reporting student achievement in assessment tasks
- administrative arrangements associated with absence from an assessment task, late submission of tasks due to illness or misadventure, malpractice and invalid or unreliable tasks
- student appeals against assessment rankings
- 'N' determinations
- providing students with written advice about the school's requirements for the assessment in each course.
- confirmation that the school will have policies for special provision examinations in accordance with the *ACE Manual*
- overview of the proposed process for reporting student achievement.

### **6.1.3 Quality of the educational program**

#### *Evidence of capacity to comply*

A proposed non-government school will describe:

- the process it will have in place to maintain records to demonstrate student achievement
- the process it will have in place to maintain records to demonstrate the standard of teaching of courses at the school such as evidence of
  - the consistency between syllabus/course outcomes, the scope and sequence of the teaching program, teaching and learning activities and samples of student work

- student evaluation and teacher reflection/evaluation of teaching and learning activities
- progressive achievement of students over time
- the range of educational facilities it will have in place for each of the courses it intends to offer taking into account potential student numbers, whether the facilities will be on-site or off-site and the frequency of access to off-site facilities.

## **6.2 Concern about compliance with the requirements for accreditation**

Board Inspectors consider any documentation provided by the school and observations from an inspection visit in order to form opinions about compliance with the requirements of the Act relating to the accreditation of the School Certificate and/or Higher School Certificate. When it is an Inspector's judgement that there are concerns as to whether the school may comply with the requirements, the Inspector will discuss these concerns with the principal (or equivalent) and provide an opportunity for the school to provide further evidence of compliance.

If, following consideration of any further evidence of compliance the school provides, the Inspector continues to have concerns that the school may not comply with the requirements of the Education Act in relation to accreditation of the School Certificate and/or Higher School Certificate, the Inspector will prepare a report that includes advice that the school be placed on provisional accreditation.

Where advice is provided to place an existing non-government school on provisional accreditation, the proprietor and principal (or equivalent) of the school will be given written notice detailing those accreditation requirements with which, in the opinion of the Inspector, there are concerns regarding compliance of the school with the requirements of the Act.

The proprietor and the principal (or equivalent) will be provided with the opportunity to make written comment to the Registration Committee of the Board of Studies regarding the advice of the Inspector. Following consideration of the Inspector's advice and any written comment from the proprietor and/or principal (or equivalent) of the school, the Registration Committee, under delegation from the Board, will determine whether it intends to make a recommendation to the Board that the school should be placed on provisional accreditation until such time as the situation is resolved. The proprietor and the principal (or equivalent) will be informed of the Registration Committee's intention to recommend to the Board that the school be placed on provisional accreditation and may seek a review of the decision (refer to section 9.2 of the Manual).

If the Registration Committee or, following an internal review, the Board, is satisfied that there are concerns as to whether the school is complying with the requirements in relation to accreditation of the School Certificate and/or Higher School Certificate, under the Act, the Registration Committee or, following an internal review, the Board, may issue a certificate of provisional accreditation for the school that specifies the period of provisional accreditation. This may mean that the period of accreditation of a school has been reduced. If the school is placed on provisional accreditation, parents of students at the school must be notified in writing by the school of the provisional accreditation status of the school and the consequences of the accreditation status.

If, at the end of the period of provisional accreditation, the requirements of the Education Act in relation to accreditation are found not to be complied with, the Registration Committee, under delegation from the Board, or, following an internal review, the Board, will cancel the accreditation of a non-government school by giving written notice to the proprietor or principal of the school (refer to section 8 of the Manual).

## **7 Registration and Accreditation Procedures**

The following information provides details about the procedures involved in:

- applying for initial registration/initial accreditation of a proposed new school
- applying for renewal of registration/accreditation
- applying for initial registration/initial accreditation of proposed new Year(s) of schooling
- providing a return to the Board of Studies
- applying for Board approval to modify a Board syllabus.

### **7.1 Submission of applications and documentation**

All schools applying for registration/accreditation need to submit the appropriate application form(s) and relevant documentation, as detailed below, to:

**Registration and Accreditation Unit**  
**Office of the Board of Studies NSW**  
**GPO Box 5300**  
**SYDNEY NSW 2001**

It is a policy of the Office of the Board of Studies to retain submitted documentation only until the outcome of an application has been finalised. Schools should preferably submit copies of all relevant documentation to the office with originals remaining at the school. Following finalisation of the application, material not required for the official files of the Board of Studies will be returned to the school.

Copies of all application forms are available from the Office of the Board of Studies in paper and electronic (disk) format from the above address or on the internet at the Board's website: [www.boardofstudies.nsw.edu.au](http://www.boardofstudies.nsw.edu.au).

### **7.2 Overview of the Board's process**

The registration/accreditation process includes:

- consideration of the written application and submitted documentation
- a site inspection and inspection visit by at least one Board Inspector
- compilation of a report and advice based on the application, submitted documentation and visit
- submission of the report, advice and recommendation to the Registration Committee of the Board of Studies
- in the case of registration, submission of recommendations to the Minister for Education for approval
- in the case of accreditation, a decision by the Registration Committee of the Board of Studies
- notification of the outcome of the application to the school and, where the application is successful, issuing of relevant certificate(s).

(NB All references in this Manual to the Registration Committee making recommendations to the Minister concerning registration or decisions concerning accreditation are based on the Registration Committee exercising the Board's delegation on registration and accreditation matters within prevailing Board policies. The process of review by the Board of

decisions or recommendations made by the Registration Committee is described at section 9 of this Manual.)

## **7.3 Procedures**

### **7.3.1 Application for initial registration/accreditation of a proposed new non-government school**

The following procedure applies to applications for:

- proposed new individual non-government schools applying for initial registration/accreditation
- proposed new individual non-government schools applying for initial exemption from registration
- existing non-government schools which propose to amalgamate to form a proposed new individual school
- an existing school which proposes to separate to form two or more new schools.

New proposed schools and amalgamated schools may not commence operating until they receive a Certificate of Registration or a Certificate of Exemption from Registration from the Minister and, if appropriate, a Certificate of Accreditation from the President of the Board of Studies.

Under the Act, the maximum period for initial registration/accreditation or initial exemption from registration that may be granted to a new school is twelve (12) months.

A proposed new non-government school applying for initial registration/accreditation or initial exemption from registration, or existing non-government schools that propose to amalgamate to form a new school, must submit to the Office of the Board of Studies *Form 1: Application for initial registration/accreditation of a proposed new non-government school* not later than 31 March preceding the calendar year in which the proposed proprietor wishes to commence operation of the school.

The Office of the Board of Studies will:

- acknowledge receipt of the application
- arrange for a Board Inspector to
  - examine the submitted application and documentation stipulated in the application form
  - contact the proprietor of the proposed new school to identify the evidence of compliance that the proposed school will need to make available during the visit
  - visit the proposed site and examine any evidence of compliance requested by the Inspector
  - write an inspection report and make recommendations
  - forward the inspection report to the proposed proprietor and principal elect (if appointed) for comment
  - submit the inspection report, advice and recommendation and the comments from the proposed proprietor and principal elect (if appointed) to the Registration Committee of the Board of Studies. This final process may take up to six (6) weeks
- submit endorsed recommendations to the Minister
- forward the relevant certificate(s) if the application is successful.

### **7.3.2 Application for renewal of registration/accreditation**

The following procedure applies to:

- individual registered or provisionally registered non-government schools applying for renewal of registration
- individual non-government schools with exemption from registration or exemption from provisional registration applying for renewal of exemption from registration
- individual accredited or provisionally accredited non-government schools applying for renewal of accreditation.

The maximum period an existing registered/accredited non-government school can be granted registration/accreditation is five (5) years.

An existing non-government school applying for renewal of its registration, renewal of its exemption from registration and/or renewal of accreditation must submit to the Office of the Board of Studies *Form 2: Application for renewal of registration/accreditation* not later than 31 March in the calendar year in which the current registration/exemption from registration/accreditation is due to expire.

The Office of the Board of Studies will:

- acknowledge receipt of the application
- arrange for a Board Inspector to
  - examine the submitted application and documentation stipulated in the application form
  - contact the principal (or equivalent) of the non-government school to identify the evidence of compliance that the school will need to make available during the visit
  - visit the school and examine any evidence of compliance requested by the Inspector
  - write an inspection report and make recommendations
  - forward the inspection report to the proprietor and principal (or equivalent) for comment
  - submit the inspection report, advice and recommendation and the comments from the proprietor and principal (or equivalent) to the Registration Committee of the Board of Studies. This final process may take up to six (6) weeks
- submit endorsed recommendations to the Minister
- forward the relevant certificate(s) if the application is successful.

### **7.3.3 Application for initial registration/accreditation of proposed new Year(s) of schooling or initial accreditation of a school with registration only**

The following procedure applies to applications for:

- existing individual registered or initially registered non-government schools applying for initial registration of new Year(s) of schooling
- existing individual non-government schools that have been granted exemption from registration or exemption from provisional registration applying for initial exemption from registration of new Year(s) of schooling
- existing individual accredited or initially accredited non-government schools applying for initial accreditation of new Year(s) of schooling

- initial accreditation of an existing school that has registration only.

The maximum period for initial registration/accreditation of new Year(s) of schooling that can be granted for a non-government school is up to twelve (12) months.

An existing registered/accredited non-government school applying for initial registration, initial exemption from registration and/or initial accreditation for new Year(s) or for existing Year(s) that are currently registered only must submit to the Office of the Board of Studies *Form 3: Application for initial registration/ accreditation for proposed new Year(s) of schooling or initial accreditation of a school with registration only* not later than 31 March preceding the calendar year in which the proprietor wishes to commence operation of the new Year(s).

The Office of the Board of Studies will:

- acknowledge receipt of the application
- arrange for a Board Inspector to
  - examine the submitted application and documentation stipulated in the application form
  - contact the principal (or equivalent) of the non-government school to identify the evidence of compliance that the school will need to make available during the visit
  - visit the school and examine any evidence of compliance requested by the Inspector
  - write an inspection report and make recommendations
  - forward the inspection report to the proprietor and principal (or equivalent) for comment
  - submit the inspection report, advice and recommendation and the comments from the proprietor and principal (or equivalent) to the Registration Committee of the Board of Studies. This final process may take up to six (6) weeks
- submit endorsed recommendations to the Minister
- forward the relevant certificate(s) if the application is successful.

#### **7.3.4 Returns to the Board of Studies**

The following procedure applies to returns to the Board of Studies in relation to the requirements for registration and/or accreditation as described in section 3.9.3 of the Manual.

The school must submit to the Office of the Board of Studies: *Form 4: Returns to the Board of Studies*.

The time frame for submitting Form 4 varies in relation to the type of return to be made to the Board. Section 3.9.3 of the Manual and Form 4 detail the required times for submission.

The Office of the Board of Studies will:

- acknowledge receipt of the relevant form
- arrange for a Board Officer to
  - examine the submitted return and any other submitted documentation
  - contact the school to identify whether further evidence of compliance is required and whether a visit to the school will be undertaken

- examine any evidence of compliance and, where applicable, visit the school and examine any further evidence of compliance
- where applicable, write an inspection report and make recommendations, forward the inspection report to proprietor and principal for feedback, submit the inspection report to the Registration Committee of the Board of Studies. This final process may take up to six (6) weeks
- where applicable, submit recommendations to the Minister
- where applicable, forward the relevant certificate(s) to the school.

### **7.3.5 Application for Board approval to modify part of a Board syllabus**

The following procedure applies to a school or a proposed school seeking Board approval to modify the outcomes of part of a Board syllabus. Approval must be sought nine (9) months prior to the intended implementation date:

- Where a registered school or proposed school is seeking Board approval to modify part of a Board syllabus at the time of applying for initial registration/initial exemption from registration or for renewal of its registration/exemption from registration, the registered school/proposed school should complete the appropriate section of the relevant form, that is, either Form 1, 2 or 3. Each of these application forms includes a section for applicants seeking approval to modify part of a Board syllabus.
- Where a registered school is seeking Board approval during a period of registration/exemption from registration/initial registration/initial exemption from registration the school must submit Form 5 *Application for Board approval to modify part of a Board syllabus* to the Office of the Board of Studies nine (9) months prior to the intended date for implementing the modified outcomes.

For applications to modify part of a Board syllabus the Office of the Board of Studies will:

- acknowledge to the school receipt of the form
- arrange for a Board Inspector to
  - examine the submitted application and any other submitted documentation
  - contact the school to identify whether further information is required and whether a visit to the school will be undertaken
  - examine the application and, where applicable, visit the school and examine any further information
  - write a report and make a recommendation
  - forward the report and recommendation to the proprietor and principal for feedback, submit the report and recommendation to the Registration Committee of the Board of Studies. This final process may take up to six (6) weeks
- forward the Board's decision to the school.

## **8 Refusal, Non-renewal or Cancellation of Registration and Accreditation**

The Act makes provision for the registration and accreditation of a new school to be refused or for the registration and/or accreditation of an established non-government school not to be renewed or to be cancelled.

### **8.1 Process leading to refusal, non-renewal or cancellation of registration of a non-government school**

Board Inspectors consider any documentation provided by the school and observations at an inspection visit in order to form opinions about compliance with the requirements of the Act relating to registration. When it is an Inspector's judgement that a new or established school has been unable to demonstrate compliance with the requirements, the Inspector will discuss these concerns with the proprietor and principal (or equivalent) and provide an opportunity for the school to provide further evidence of compliance.

If, following consideration of any further evidence of compliance the school provides, the Inspector has formed the judgement that the school does not comply with requirements of the Education Act in relation to registration, the Inspector will prepare a report that includes advice that the application for initial registration or renewal of registration of the school be refused or the registration of the school be cancelled.

If the Inspector advises refusal or cancellation of the registration of the school, the proprietor and principal (or equivalent) of the school will be given written notice detailing those registration requirements with which, in the opinion of the Inspector, the school does not comply. The proprietor and principal (or equivalent) will be given the opportunity to make written comment to the Registration Committee regarding the Inspector's advice.

If, following consideration of the Inspector's report and advice and the comments of the school's proprietor and principal (or equivalent), the Registration Committee is satisfied that the requirements of the Education Act in relation to registration are not being complied with, the Committee will notify the proprietor and principal (or equivalent) of the school that it intends to recommend the refusal of the application for initial, or renewal of, registration of the school or to recommend registration be cancelled.

The proprietor and principal (or equivalent) of the school may make an appeal against the recommendation of the Registration Committee (refer to section 9.1 of the Manual).

If the appeal is unsuccessful, under Section 59 of the Act the Minister may cancel the registration of a non-government school by giving written notice to the proprietor and principal (or equivalent) of the school. If the registration of a school is cancelled or the renewal of registration is refused, parents of students at the school must be notified in writing that the school is not registered and is no longer able to operate.

## **8.2 Process leading to refusal, non-renewal or cancellation of accreditation of a non-government school**

Board Inspectors consider any documentation provided by the school and observations at an inspection visit in order to form opinions about compliance with the requirements of the Act relating to the accreditation of the School Certificate and/or Higher School Certificate. When it is an Inspector's judgement that a new or established school has been unable to demonstrate compliance with the requirements, the Inspector will discuss these concerns with the proprietor and principal (or equivalent) and provide an opportunity for the school to provide further evidence of compliance.

If, following consideration of any further evidence of compliance the school provides, the Inspector has formed the judgement that the school does not comply with requirements of the Education Act in relation to accreditation of the School Certificate and/or Higher School Certificate, the Inspector will prepare a report that includes advice that the application for initial accreditation or renewal of accreditation of the school be refused or the accreditation of the school be cancelled.

If the Inspector advises refusal or cancellation of accreditation of the school, the proprietor and principal (or equivalent) of the school will be given written notice detailing those accreditation requirements with which, in the opinion of the Inspector, the school does not comply. The proprietor and principal (or equivalent) will be given the opportunity to make written comment to the Registration Committee regarding the Inspector's advice.

If, following consideration of the Inspector's report and advice and the comments on the advice by the school's proprietor and principal (or equivalent), the Registration Committee is satisfied that the requirements of the Education Act in relation to accreditation are not being complied with, the Committee will notify the proprietor and principal (or equivalent) of the school that it intends to recommend the refusal of the application for initial, or renewal of, accreditation of the school or to recommend accreditation be cancelled.

The proprietor and principal (or equivalent) of the school may make an appeal against the decision of the Registration Committee (refer to section 9.1 of the Manual).

If the accreditation of a school is cancelled or the renewal of accreditation is refused, parents of students at the school must be notified in writing that the school is not accredited. Parents must also be informed of the consequences of the school not being accredited for students currently enrolled at the school.

## **9 Appeals for Review of Certain Decisions**

### **9.1 Refusal, non-renewal or cancellation of registration and/or accreditation**

An applicant may request an internal review of a Registration Committee recommendation or decision under the following circumstances:

- where the Registration Committee, under delegation from the Board, has decided to recommend to the Minister that the registration of a non-government school be refused, not be renewed or be cancelled  
or
- where the Registration Committee, under delegation from the Board, has decided not to accredit a school, not to renew the accreditation of a school or to cancel a school's accreditation.

The outcome of an internal review is determined by the full Board of Studies. The review process is undertaken by Board officers not involved in the initial assessment of the school's application for registration or accreditation. The documentation considered by the review includes that submitted by the school proprietor and/or principal (or equivalent) previously and any additional documentation that the applicant wishes to have considered, the Registration Committee decision and reasons for the decision and the internal review report prepared by another Board Inspector not associated with the original inspection report.

If the internal review supports the Registration Committee's original recommendation and/or decision, the school may appeal to the Administrative Decisions Tribunal against the recommendation and/or decision.

The appeal process involves the following steps:

- The Board gives the school proprietor and/or principal (or equivalent) written notice of a decision to make such a recommendation or decision.
- The school or applicant has twenty-eight (28) days in which to lodge an appeal in writing with the Registrar, Administrative Decisions Tribunal.
- The Tribunal contacts the school proprietor and/or principal (or equivalent) to arrange a date on which the appeal will be heard.
- The Tribunal considers the appeal and makes a recommendation to the Minister. The Minister considers the recommendation of the Tribunal and makes a decision as to whether the school should be registered/accredited.

Under the Education Act, there is no appeal against the Minister's decision.

### **9.2 Reduction in the duration of registration and/or accreditation**

An applicant may request an internal review of a Registration Committee recommendation or decision under the following circumstances:

- where the Registration Committee, under delegation from the Board, has decided to recommend to the Minister that the duration of registration be reduced  
or

- where the Registration Committee, under delegation from the Board, has decided to recommend that the duration of accreditation be reduced or to reduce it in so far as it relates to one of the recognised certificates.

An internal review is undertaken by the full Board of Studies. The review process is undertaken by Board officers not involved in the initial assessment of the school's application for registration or accreditation. The documentation considered by the review includes that submitted by the applicant previously and any additional documentation that the applicant wishes to have considered, the Inspector's advice, the Registration Committee's intended recommendation and the reasons for that recommendation.

In dealing with an internal review of a recommendation by the Committee to the Minister to place a school on provisional registration, the full Board of Studies will consider the Inspector's advice, any written comments from the proprietor and principal (or equivalent) in relation to the Inspector's advice, the Registration Committee's recommendation and reasons for the recommendation, and the internal review report prepared by another Board Inspector not associated with the original inspection report.

In dealing with an internal review of a recommendation by the Committee to the Board to place a school on provisional accreditation, the full Board of Studies will consider the Inspector's advice, any written comments from the proprietor and principal (or equivalent) in relation to the Inspector's advice, the Registration Committee's recommendation and the reasons for the recommendation and the internal review report prepared by another Board Inspector not associated with the original inspection report.

There is no recourse to the Administrative Decisions Tribunal against recommendations to reduce the period of registration or decisions to reduce the period of accreditation.

### **9.3 Limitation or cessation of registration**

Under the *Education Regulation 2007* a non-government school is required to notify the Board of Studies when it ceases to operate or closes as soon as possible but not later than one (1) month after such a change has occurred (see sections 2.4.7 and 3.9.3 of this Manual).

In the event that a non-government school notifies the Board that the school is to close or cease operating or has closed or ceased operating, the Board will recommend to the Minister that a written notice be sent to the school confirming the relevant date of the cessation of the school's registration.

In the event that the Board is advised that a non-government school has closed or ceased operation, and that advice is not the result of a notification by the school, the Board will appoint a Board Inspector to investigate. Where the Inspector forms the opinion that the school has ceased operating or has closed, the Inspector will prepare a report that includes a recommendation that the school's registration be limited, in the case of ceasing operation for less than one (1) year. In the case of the school ceasing operation for at least two (2) years, or closing, the Inspector's recommendation will be that the school's registration cease.

The proprietor and/or principal (or equivalent) of the school will be provided with the opportunity to make written comment to the Board of Studies Registration Committee

regarding the advice of the Inspector. In considering the Inspector's report and any written comment from the proprietor and/or principal (or equivalent) of the school, the Registration Committee, under delegation from the Board, will determine whether it intends to recommend to the Minister that the school's registration be limited or cease. Should the Committee make such a determination, the proprietor and/or principal (or equivalent) of the school will be informed in writing. Under these circumstances, the proprietor and/or principal (or equivalent) of the school may seek a review of the Committee's decision.

The outcome of an internal review is determined by the full Board of Studies. The review process is undertaken by a Board Inspector not involved in the initial assessment of the school's circumstances. The documentation considered by the review includes that submitted previously by the school's proprietor and/or principal (or equivalent), any additional documentation that the proprietor and/or principal (or equivalent) wishes to have considered, the original Inspector's advice, the Registration Committee's intended recommendation and the reasons for that recommendation.

In dealing with an internal review of a recommendation by the Committee to the Minister to limit or cease the registration of a school, the full Board of Studies will consider the original Inspector's advice, any written comments from the proprietor and principal (or equivalent) in relation to the Inspector's advice, the Registration Committee's recommendation and reasons for the recommendation, and the internal review report prepared by another Board Inspector not associated with the original report.

There is no recourse to the Administrative Decisions Tribunal against a recommendation to limit or cease the registration of a school.

## **9.4 Rejection of an application to modify part of a Board syllabus**

When it is an Inspector's judgement that there are concerns that the proposed modifications do not meet the requirements of the Education Act, the Inspector will discuss these concerns with the principal (or equivalent) and provide opportunity for the school to provide further information.

If, following consideration of any further information the school provides, the Inspector continues to have concerns that the modifications may not comply with the requirements of the Education Act in relation to modifying part of a Board of Studies syllabus, the Inspector will prepare a report that includes a recommendation that the application be rejected.

Where a recommendation is made to reject an application to modify part of a Board syllabus, the proprietor and principal (or equivalent) of the school will be given written notice detailing those requirements of the Education Act with which, in the opinion of the Inspector, the proposed modifications may not comply.

The proprietor and principal (or equivalent) will be provided with the opportunity to make written comment to the Registration Committee of the Board of Studies regarding the recommendation of the Inspector. Following consideration of the Inspector's advice and any written comment from the proprietor and/or principal (or equivalent) of the school, the Registration Committee will determine whether it intends to make a recommendation to the Board of Studies that the application to modify part of a Board syllabus be rejected. The

proprietor and principal (or equivalent) will be informed in writing of the Registration Committee's intention to recommend to the Board that the application to modify part of a Board syllabus be rejected. The proprietor and principal (or equivalent) may seek a review of the decision.

An internal review is undertaken by the full Board of Studies. The review process is undertaken by Board Officers not involved in the initial assessment of the school's application for approval to modify part of a Board syllabus. The documentation considered by the review includes that submitted by the applicant previously and any additional documentation that the applicant wishes to have considered, the Inspector's advice, the Registration Committee's intended recommendation and the reasons for that recommendation.

In dealing with an internal review of a recommendation by the Committee to the Board to reject an application to modify part of a Board syllabus, the full Board of Studies will consider the Inspector's advice, any written comments from the proprietor and principal (or equivalent) in relation to the Inspector's advice, the Registration Committee's recommendation and reasons for the recommendation, and the internal review report prepared by another Board inspector not associated with the original inspection report.

If the Registration Committee or, following an internal review, the Board, is satisfied that the proposed modifications do not meet the requirements of the Education Act, the Registration Committee or, following an internal review, the Board will recommend that the application to modify part of a Board syllabus be rejected.

There is no recourse to the Administrative Decisions Tribunal against decisions to reject an application to modify part of a Board syllabus.

In the event that the Board is unable to approve a modification because of an inconsistency between the modification sought and the curriculum guidelines, the school may request a review of that aspect of the curriculum guidelines.

## 10 Glossary

This glossary is provided to assist schools. Where there is any conflict between these definitions and the definitions in the Act or any other legislation, the statutory definitions prevail.

<b>accreditation</b>	Compliance with Part 8 of the <i>Education Act 1990</i> (NSW) including Section 94, for the School Certificate, or Section 95 for the Higher School Certificate, allowing entry of candidates for the award of these certificates.
<b>ACE Manual</b>	The Board's <i>Assessment, Certification and Examination Manual</i> .
<b>actual retention rates</b>	Retention rates based on data relating to actual students who have been tracked at two different points in their school career.
<b>Administrative Decisions Tribunal (ADT)</b>	The Tribunal to which a school proprietor or principal can lodge an appeal against a recommendation of the Board that a school not be registered or a decision of the Board that a school not be accredited.
<b>AEI-NOOSR guidelines</b>	National Office of Overseas Skills Recognition guidelines relating to recognition in Australia of qualifications from overseas teacher education institutions: see the website at <a href="http://www.aei.gov.au">www.aei.gov.au</a> .
<b>apparent retention rates</b>	Retention rates based on simple comparisons of enrolment numbers, for example Year 10 numbers in 2001 compared with Year 12 numbers in 2003.
<b>Australian Dietary Guidelines</b>	Guidelines that provide advice to the general population about healthy food choices, so that their usual diet contributes to a healthy lifestyle and is consistent with minimal risk for the development of diet-related disorders.
<b>Board</b>	The Board of Studies NSW.
<b>boarding facilities</b>	Facilities, including overnight accommodation, provided by the school itself or under contractual arrangement for students enrolled at the school. This excludes accommodation provided for day pupils away from school premises during a brief school trip and 'home stay' accommodation.
<b>Board Inspector</b>	An officer of the Board, employed or appointed under Section 104 of the Education Act to enable the Board to exercise its functions under Section 102 of the Education Act.
<b>campus</b>	A campus is part of a registered non-government school where that part

is located at a different site and used for the delivery of courses as described by Parts 1, 3, 7 and 8 of the *Education Act 1990* or for the provision of amenities for teachers and students participating in those courses or for the provision of boarding facilities.

<b>Community Services</b>	Government agency responsible for community services (formerly Department of Community Services (DoCS)).
<b>complaint</b>	A grievance, expression of dissatisfaction or formal allegation.
<b>compulsory years of schooling</b>	Six (6) years to fifteen (15) years inclusive, taken from the child's birth date.
<b>corporal punishment</b>	The application of physical force to punish or correct the student, but not including the application of force to prevent personal injury to, or damage to or the destruction of property of, any person (including the student).
<b>curriculum guidelines</b>	Guidelines developed by the Board and approved by the Minister.
<b>DEC</b>	NSW Department of Education and Communities.
<b>direct on-site supervision</b>	Direct on-site supervision occurs when a qualified teacher acts as a supervisor and provides advice on the quality and appropriateness of pedagogy and student behaviour management strategies to a member of staff who is working towards the standard of professional teacher competence. The supervisor is on the same school site but does not need to be present for every lesson of the teacher being supervised.
<b>distance education</b>	The delivery of courses of study by a school to students enrolled in the school during which the students and teachers are not regularly in the presence of each other but communicate with each other in writing, by print or by electronic or other means.
<b>Education Act</b>	The <i>Education Act 1990</i> (NSW): legislation enacted in the New South Wales Parliament in 1990 – see <a href="http://www.legislation.nsw.gov.au">www.legislation.nsw.gov.au</a> .
<b>exclusion</b>	The act of preventing a student's admission to a number of schools.
<b>expulsion</b>	The permanent removal of a student from one particular school.
<b>external provider</b>	Any organisation that the school has entered into an arrangement with to deliver a specific course of study that is part of the curriculum as described by Parts 1, 3, 7 and 8 of the Education Act to a student or students enrolled at the school.

<b>legal entity approved by the Minister to operate an individual non-government school</b>	A registered company or a trust including religious organisations.
<b>mandatory notifier</b>	Any teacher or other identified person who has a legal obligation to notify Community Services of any case of suspected reportable conduct.
<b>Manual</b>	<i>Registered and Accredited Individual Non-government Schools (NSW) Manual, Board of Studies NSW.</i>
<b>mentally incapacitated person</b>	A person who is a temporary patient, a continued treatment patient or a forensic patient within the meaning of the <i>Mental Health Act 1990</i> (NSW), or a protected person within the meaning of the <i>Protected Estates Act 1983</i> (NSW).
<b>minimum curriculum</b>	For primary schools, Section 8 and for secondary schools, Section 10 of the <i>Education Act 1990</i> (NSW). Not applicable to schools providing education of a kind, or for children of a kind, as prescribed by the Regulations.
<b>Minister</b>	Minister for Education, New South Wales.
<b>non-government school</b>	An institution that is not owned by the State Government, is registered by the Minister or granted exemption from registration by the Minister, and whose major activity is the provision of education, either primary or secondary (or both) or of a kind, or for children of a kind, prescribed by the regulations.
<b>Office of the Board of Studies (OBOS)</b>	Provides professional and administrative support and services to the Board and administers the non-government school registration program under delegation from the Board.
<b>'on-site' supervisor</b>	Person who supervises a distance-education student's tests, examinations and/or assessment tasks. 'On-site' supervisors may be family or community members who have not had any teacher training.
<b>outside tutor</b>	A person other than a teaching staff member of the school, whom the school has approved to deliver a specified course that is part of the curriculum as described by Parts 1, 3, 7 and 8 of the Education Act to students enrolled in the school.
<b>policy</b>	An official statement of the school's goals or objectives in an area of school governance which outlines the associated procedures, activities or other key elements in a way that demonstrates how these goals or objectives are to be achieved. This Manual specifies those areas of school governance where it is a registration/accreditation requirement

for a school to have a policy.

<b>principal</b>	The most senior member of the teaching staff of a school, with responsibility for the effective and efficient day-to-day operations of the school, including compliance with the Education Act.
<b>procedural fairness</b>	Application of the 'hearing rule' and the 'right to an unbiased decision' when implementing policies and procedures where decisions are to be made which affect the rights of others.
<b>proprietor</b>	The legal entity that owns the school or schools.
<b>recognised teacher institution</b>	Any accredited tertiary institution that offers courses in teacher education.
<b>registration</b>	Compliance with Part 7 of the Education Act including Section 47, relating to approval to operate as a school, but does not include entering candidates for the School Certificate and the Higher School Certificate Examination.
<b>Registration Committee of the Board of Studies</b>	A standing committee of the Board of Studies which has the delegation under Section 119 of the Education Act to exercise the Board's -powers relating to registration and accreditation.
<b>registration system</b>	A grouping of 20 or more schools (or, with the Minister's approval, 11 to 19 schools) which has been approved by the Minister to ensure compliance with the requirements for registration and, if appropriate, accreditation for the schools within that registration system.
<b>reportable conduct</b>	Conduct or behaviour which must be reported to the Ombudsman and/or Commission for Children and Young People pursuant to the <i>Ombudsman Act 1974</i> and/or the <i>Commission for Children and Young People Act 1998</i> , including child sexual assault and sexual misconduct.
<b>'residential school' sessions</b>	Periods of time when students and teachers are in the presence-of each other at the same physical location to undertake learning activities related to the educational program provided by the school including a specific focus on the personal and social development of students.
<b>responsible person for a school</b>	(a) the proprietor of the school and, if the proprietor is a corporation, each director or person concerned in the management of the school, or (b) a member of the governing body of the school, or (c) the principal of the school.
<b>risk management</b>	A management plan for assessing the potential for harm and taking action towards minimising the risk of harm. This may include a plan for

responding to serious incidents and emergencies.

<b>safe environment</b>	One where the risk of harm is minimised and students are secure. 'Harm' relates not only to dangers in the built environment but also refers to violence, physical threats, verbal abuse, threatening gestures, sexual harassment and racial vilification.
<b>serious incident</b>	An event which: (a) causes disruption to a school, or (b) creates significant danger or risk that could traumatically affect individuals within the school, or (c) impacts on the effective operation of the school.
<b>signatory for the proprietor</b>	Person nominated by the proprietor to sign for and act on behalf of the proprietor, for example, the chairperson of a governing body.
<b>supportive environment</b>	An environment that facilitates and enhances the social, academic, physical and emotional development of students.
<b>suspension</b>	A temporary debarment of a student from all of the classes that a student would normally attend at a school.
<b>system</b>	See registration system.
<b>VETAB</b>	Vocational Education and Training Accreditation Board.
<b>Vocational Education and Training (VET) course</b>	A course that has been approved by both the Board of Studies and VETAB for teaching in schools. Students receive credit towards both their HSC and an industry training qualification. See the <i>ACE Manual</i> for more details.

## **11 Appendices**

### **11.1 Appendix 1 – Curriculum Guidelines**

The Education Act requires courses of study in each key learning area to comply with any relevant guidelines developed by the Board and approved by the Minister.

Where a school puts forward a case to modify part of a Board of Studies syllabus (refer to sections 3.3.2 and 4.1.3.2 of the Manual) the following guidelines for each key learning area must be met.

Modifications approved under this provision of the Act are not permitted to the curriculum for the School Certificate or Higher School Certificate.

#### **11.1.1 Curriculum guidelines for primary education**

The curriculum guidelines for primary education include:

- adequate opportunities for practical experience and application of theory
- adequate opportunities for the acquisition of competence in the English language
- adequate opportunities for students to relate appropriately to, and cooperate with, their peers and others
- courses that aim to develop the potential of students
- courses that allow for appropriate interaction among students and between students
- opportunities that enable students to develop a set of values consistent with life in a democratic society
- courses of study that develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

##### **11.1.1.1 English Key Learning Area**

Courses of study in this key learning area should:

- develop students' skills in listening, talking, reading, viewing and writing, including handwriting
- encourage students to read, listen to and view widely with understanding and enjoyment
- teach students to spell and punctuate accurately, and to write grammatically
- teach students to communicate in a variety of situations for a variety of purposes and audiences
- provide students with opportunities to experience a range of good literature
- provide students with opportunities for diverse writing and speaking activities
- provide students with opportunities to understand the nature of the mass media
- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

#### **11.1.1.2 Mathematics Key Learning Area**

Courses of study in this key learning area should:

- develop students' skills in questioning, problem-solving, analysis, synthesis, communication, information-gathering, research, reasoning, reflection and the use of a range of technologies, including computer-based technologies
- develop students' knowledge, skills and understanding in
  - the application of mathematics to real-world situations and problems, including those needed to meet the general demands of everyday life
  - mental and written computation and numerical reasoning
  - pre-algebra concepts by patterning and generalisation
  - collecting, representing, analysing and evaluating information
  - identifying and quantifying the attributes of shapes and objects and applying measurement strategies
  - spatial visualisation and geometric reasoning.

#### **11.1.1.3 Science and Technology Key Learning Area**

Courses of study in this key learning area should:

- develop students' knowledge and understanding of the natural and made environments
- provide first-hand experiences for students in investigating, designing, making and using technology
- develop, through first-hand experiences, students' knowledge and understanding of the processes of scientific investigation, designing and making and the technologies people select and use
- develop knowledge and understanding that is consistent with accepted scientific and technological understanding appropriate to their own stages of development
- develop students' skills in problem-solving, analysis, synthesis, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

#### **11.1.1.4 Human Society and Its Environment Key Learning Area**

Courses of study in this key learning area should:

- develop students' knowledge and understanding of the diversity of Australia's people, their culture and heritage, history, geography and social, economic and political institutions
- develop students' knowledge and understanding of Aboriginal history and culture
- develop students' understanding of citizenship and its responsibilities, especially in Australia
- develop students' knowledge and understanding of Australia's place in the world, and of other peoples, places and events, both past and present
- provide opportunities for students to explore the religious and moral beliefs held by themselves and by others
- develop students' understanding of the values of tolerance, consideration, and respect for others
- develop students' knowledge and understanding of the interrelationship of people and the environment

- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

#### **11.1.1.5 Creative Arts Key Learning Area**

Courses of study in this key learning area should:

- develop students' knowledge, understanding, skills and experiences in the creative arts including visual arts and music
- provide students with experiences in a range of creative arts activities
- encourage students' appreciation, self-expression, technical competence and creativity in the area of the creative arts
- provide students with opportunities to manipulate a variety of materials and to use tools and implements according to their needs, interests and abilities
- develop students' understanding of the place and importance of creative and practical arts in Australian society and in other societies and cultures
- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

#### **11.1.1.6 Personal Development, Health and Physical Education Key Learning Area**

Courses of study in this key learning area should:

- develop students' knowledge and understanding of the importance of an active and healthy lifestyle
- provide opportunities for students to participate in regular physical activities
- provide opportunities for students to learn to participate in and learn the skills for a variety of physical activities
- develop students' knowledge of healthy food habits and the capacity to make informed health decisions
- develop students' knowledge and understanding about road safety, drugs and mental health
- develop students' knowledge and understanding of personal safety in a wide range of contexts, and procedures to follow in emergency situations
- develop students' knowledge of themselves and their physical, social and emotional development
- develop students' knowledge and skills in cooperating with others and establishing positive interpersonal relationships
- provide opportunities for students to develop a positive set of values to guide their behaviour and to develop a strong sense of their personal worth
- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

## **11.1.2 Curriculum requirements for secondary education**

### **11.1.2.1 Curriculum guidelines for secondary education**

The curriculum guidelines for secondary education include:

- adequate opportunities for practical experience and application of theory
- adequate opportunities for the acquisition of competence in the English language
- adequate opportunities for students to relate appropriately to, and cooperate with, their peers and others
- courses that aim to develop the potential of students
- courses that adequately equip students to take their place in Australian society
- courses that allow for appropriate interaction among students and between students and adults
- opportunities that enable students to develop a set of values consistent with life in a democratic society
- courses of study that develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

### **11.1.2.2 English Key Learning Area**

Courses of study in this key learning area should:

- develop students' skills in listening, talking, reading, viewing and writing
- encourage students to read widely texts of increasing complexity, with understanding and enjoyment
- teach students to spell and punctuate accurately, and to write grammatically
- teach students to communicate effectively in a variety of situations for a variety of purposes and audiences
- provide students with opportunities to experience a range of literature including prose, fiction, non-fiction, drama and poetry
- provide students with opportunities to experience various types of writing including Australian literature and texts
- provide students with opportunities to understand the nature of the mass media and film including texts drawn from a wide variety of sources
- develop opportunities for diverse writing and speaking activities
- extend each student's range of language use
- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

### **11.1.2.3 Mathematics Key Learning Area**

Courses of study in this key learning area should:

- develop students' skills in questioning, problem-solving, analysis, synthesis, communication, information-gathering, research, reasoning, reflection and the use of a range of technologies, including computer-based technologies
- develop students' knowledge, skills and understanding in

- the application of mathematics to real-world situations and problems, including those needed to meet the general demands of everyday life
- mental and written computation and numerical reasoning
- patterning, generalisation and algebraic reasoning
- collecting, representing, analysing and evaluating information
- identifying and quantifying the attributes of shapes and objects and applying measurement strategies
- spatial visualisation and geometric reasoning.

#### **11.1.2.4 Science Key Learning Area**

Courses of study in this key learning area should:

- develop students' knowledge and understanding of their biological and physical environment and people's interaction with the environment
- develop students' understanding of the social relevance and history of science and the role of scientists, particularly Australian scientists
- develop students' understanding of the interaction of science, technology and society
- develop students' understanding of the principles of scientific investigation and the application of these to their own investigations
- provide students with first-hand practical experiences relating to their studies
- develop knowledge and understanding that is consistent with accepted scientific and technological understanding
- develop students' skills in problem-solving, analysis, synthesis, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

#### **11.1.2.5 Human Society and Its Environment Key Learning Area**

Courses of study in this key learning area should:

- develop students' knowledge and understanding of the diversity of Australia's people, their culture and heritage, history, geography, and social, economic and political institutions
- develop students' knowledge and understanding of Aboriginal history and culture
- develop students' understanding of citizenship and its responsibilities, especially in Australia
- develop students' knowledge and understanding of Australia's place in the world, and of other peoples, places and events, both past and present
- provide opportunities for students to explore the religious and moral beliefs held by themselves and by others
- develop students' understanding of the values of tolerance, consideration and respect for others
- develop students' knowledge and understanding of the interrelationship of people and the environment
- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

#### **11.1.2.6 Languages Key Learning Area**

Courses of study in this key learning area should:

- provide students with the opportunity to learn another language, including developing skills in listening, speaking, reading and writing
- develop students' knowledge and understanding of other peoples, their cultures and their customs
- develop students' basic knowledge of how languages work
- develop students' understanding of the role and importance of language in society, in Australia and in the world context
- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

#### **11.1.2.7 Technological and Applied Studies Key Learning Area**

Courses of study in this key learning area should:

- develop students' knowledge and understanding of the interrelations between technology, design and society in past and present contexts
- develop knowledge and skills that enable students to participate in and understand the process of design and technological activity
- develop students' understanding of factors which influence decisions in the design and production process
- provide students with opportunities to learn about, use and apply technology and design across a range of areas including the built environment, products and information and communication
- develop students' knowledge and skills in the safe use of material, tools and techniques related to a range of technologies
- provide students with the skills to make informed decisions about design and technology issues including the impact of innovation and new and emerging technologies affecting themselves and others in society and in their environment
- develop students' skills in analysing needs and problems, researching, generating and creating design ideas, collaboration, experimenting and testing, producing and evaluating solutions in the holistic development of design projects
- develop students' skills in synthesis, communication, information-gathering and the use of a range of technologies, including computer-based technologies.

#### **11.1.2.8 Creative Arts Key Learning Area**

Courses of study in this key learning area should:

- develop students' knowledge, understanding, skills and experiences in the creative arts including visual arts and music
- provide students with experiences in a range of creative arts activities
- encourage students' appreciation, self-expression, technical competence and creativity in the area of the creative arts
- provide students with opportunities to manipulate a variety of materials and to use tools and implements according to their needs, interests and abilities
- develop students' understanding of the place and importance of creative arts in Australian society and in other societies and cultures

- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

#### **11.1.2.9 Personal Development, Health and Physical Education Key Learning Area**

Courses of study in this key learning area should:

- develop students' knowledge and understanding of the importance of an active and healthy lifestyle
- provide opportunities for students to participate in regular physical activities
- provide opportunities for students to learn the skills of, and participate in, a variety of physical activities
- develop students' knowledge of healthy food habits and the capacity to make informed health decisions
- develop students' knowledge and understanding about road safety, drugs and mental health
- develop students' knowledge and understanding of personal safety in a wide range of contexts and procedures to follow in emergency situations
- develop students' knowledge of themselves and their physical, social and emotional development
- develop students' knowledge and skills in cooperating with others and establishing positive interpersonal relationships
- provide opportunities for students to develop a positive set of values to guide their behaviour and to develop a strong sense of their personal worth
- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research reflection and the use of a range of technologies, including computer-based technologies.

## **11.2 Appendix 2 – Information About Other Legislation**

The Board's responsibilities in relation to the registration and accreditation of non-government schools and the monitoring of registration systems derive from the *Education Act 1990*.

Over and above this Act, however, schools and registration systems must be cognisant of a range of Commonwealth and State legislative requirements with which they may need to comply.

It is the responsibility of schools and registration systems to ensure that the requirements of relevant legislation are understood and met, as appropriate.

At the time of printing this Manual, the following Acts and regulations were considered relevant points of reference for schools and registration systems. This list of Acts is not exhaustive and the information should be checked with the appropriate source to ensure accuracy, relevance and currency.

## **11.2.1 Information about Australian Government Legislation**

### **11.2.1.1 Australian Commonwealth Register of Institutions in Courses for Overseas Students (CRICOS)**

A school planning to cater for overseas students by offering education across any Years of schooling from Kindergarten to Year 12 are required to have a Commonwealth Register of Institutions in Courses for Overseas Students (CRICOS) number from the Vocational Education and Training Board (VETAB) to enable the school to advertise overseas. Such schools are required to have a Certificate of Registration signed by the Minister for Education, through the Board of Studies, before a CRICOS number can be granted.

CRICOS numbers are not transferable across States. CRICOS numbers for tertiary courses do not cover registration for schools from Kindergarten to Year 12. Tertiary institutions planning to offer Higher School Certificate courses to overseas students are, therefore, required to apply for CRICOS numbers to cover study for Years 11 and 12.

Schools intending to cater for overseas students are advised to contact the CRICOS Administrative Assistant, Locked Bag 21, Darlinghurst 2010, phone (02) 9244 5335 or visit the CRICOS website at: <http://cricos.deewr.gov.au>

### **11.2.1.2 Overseas persons who hold Student visas and are undertaking study in an accredited school**

A person from overseas may be granted a Student visa to undertake a full-time course registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). Student visas are subject to conditions intended to govern the stay in Australia of students and their families. These conditions include requirements that ensure the person who holds a Student visa maintains enrolment in the course for which the visa was granted, attends classes, continues to meet course requirements and achieves a satisfactory academic result. The requirements also place strict limits on any employment the person granted the Student visa may undertake.

Education providers have responsibilities under the *Migration Act 1958*, amended in 2001, and the *Educational Services for Overseas Students Act 2000* to maintain specific records and to notify the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) if a person who holds a Student visa fails to comply with Student visa conditions.

The conditions for Student visas and the responsibilities of education providers are detailed on the DIMIA website at [www.immi.gov.au](http://www.immi.gov.au).

### **11.2.1.3 The *Disability Discrimination Act 1992* and *Disability Standards for Education 2005***

The *Disability Discrimination Act 1992* makes it unlawful for an educational authority to discriminate against someone because that person has a disability. This includes all public and private educational institutions, primary and secondary schools, and tertiary institutions such as TAFE, private colleges and universities.

The objects of the Act are to:

- (a) eliminate, as far as possible, discrimination against persons on the grounds of disability

- (b) ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community
- (c) promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

The *Disability Discrimination Act 1992* requires that schools provide equality of educational opportunity to students with disabilities. A school may not need to provide equality of educational opportunity for a student with disabilities if the school can demonstrate that to do so would cause unjustifiable hardship.

A copy of the *Disability Discrimination Act 1992* is located at [www.austlii.edu.au](http://www.austlii.edu.au).

The *Disability Standards for Education 2005* are formulated under the *Disability Discrimination Act 1992* (DDA). The primary purpose of the Standards is to clarify and make more explicit the rights of students with disabilities and the obligations of providers in relation to:

- enrolment
- participation
- curriculum development, accreditation and delivery
- student support services
- elimination of harassment and victimisation.

All government and non-government education and training providers are bound by the *Standards*.

The key concept of the *Standards* is the principle of treating a student with a disability on the same basis as a student without the disability. Achieving this equality involves education providers making adjustments for students with a disability. Only reasonable adjustments are required. An educational provider can be exempt from making an adjustment where it is proven that such an adjustment would cause unjustifiable hardship.

#### **11.2.1.4 Privacy Act 1988**

The Australian government *Privacy Act 1988* which was amended by the *Privacy Amendment (Private Sector) Act 2000*, regulates the way private sector organisations, including non-government schools and registration systems, handle personal information about individuals.

The purpose of the Privacy provision is to ensure that organisations that hold information about people handle that information responsibly. They aim as far as possible to establish a nationally consistent approach to the handling of personal information. The Privacy Act governs how non-government schools must handle personal information.

A key component of the legislation is the mandatory requirement for organisations to comply with the National Privacy Principles. These principles set minimum standards that relate to the collection, security, storage, use, access, correction and disclosure of personal information.

For further information contact the office of the Privacy Commissioner at:  
[www.privacy.gov.au](http://www.privacy.gov.au).

#### **11.2.1.5 Other relevant legislation**

Non-government schools and registration systems must also be cognisant with other related federal legislation including the:

- *Age Discrimination Act 2004*
- *Human Rights and Equal Opportunity Act 1992*
- *Race Discrimination Act 1975*
- *Sex Discrimination Act 1984.*

#### **11.2.2 Information About NSW Government Legislation**

##### **11.2.2.1 *Children and Young Persons (Care and Protection) Act 1998***

The objects of the *Children and Young Persons (Care and Protection) Act 1998* are to ensure that:

- (a) children and young persons receive such care and protection as is necessary for their safety, welfare and wellbeing, taking into account the rights, powers and duties of their parents and/or other persons responsible for them
- (b) all institutions, services and facilities responsible for the care and protection of children and young persons provide an environment for them that is free of violence and exploitation and provide services that foster their health, developmental needs, spirituality, self-respect and dignity, and
- (c) appropriate assistance is rendered to parents and other persons responsible for children and young persons in the performance of their child-rearing responsibilities in order to promote a safe and nurturing environment.

##### **11.2.2.2 *Ombudsman Act 1974***

The *Ombudsman Act 1974* mandates the reporting of allegations of reportable conduct or convictions relating to reportable conduct to the Ombudsman. It states:

- (1) The head of a designated government or non-government agency must notify the Ombudsman of the following:
  - (a) any allegation of reportable conduct, or conviction in relation to reportable conduct, against an employee of the agency of which the head of the agency becomes aware
  - (b) whether or not the agency proposes to take any disciplinary or other action in relation to the employee and the reasons why it intends to take or not to take any such action
  - (c) any written submissions made to the head of the agency concerning any such allegation or conviction that the employee concerned wished to have considered in determining what (if any) disciplinary or other action should be taken in relation to the employee.
- (2) The notification must be made as soon as practicable and, in the case of the notification of an allegation of reportable conduct or a conviction related to reportable conduct, must be made, in any event, within thirty (30) days of the head of the agency becoming aware of the allegation or conviction (or within such further period as may be agreed to by the Ombudsman).
- (3) The head of the agency also has responsibilities, the most important of which is to ensure that allegations of reportable conduct against employees are appropriately and

effectively investigated. The Ombudsman can provide guidance regarding the observance of this requirement.

The Child Protection Team of the Ombudsman's Office welcomes inquiries from schools and other agencies regarding their obligations under Part 3A of the *Ombudsman Act 1974*. The Child Protection Team is able to provide advice on the notification of allegations and their investigation, the content and presentation of staff training materials and the development of child protection policies. The Child Protection Team can be contacted by phone on (02) 9286 1000 (ask for Child Protection inquiries backup) or by mail to:

NSW Ombudsman  
Level 24, 580 George Street  
SYDNEY NSW 2000  
(Attention: Child Protection Team)

### **11.2.2.3 *Commission for Children and Young People Act 1998***

The *Commission for Children and Young People Act 1998* established the Commission for Children and Young People (CCYP) as an independent organisation. One of the major functions of the CCYP is to facilitate screening to determine the suitability of people for child-related employment. Part 7 of the Act, Employment Screening, sets out the requirements to screen people seeking child-related employment to determine their suitability.

Part 7 of the Act requires that all people commencing paid work that primarily involves direct contact with children where that contact is unsupervised must be screened. This screening process incorporates:

- a relevant national criminal record check
- a check of relevant Apprehended Violence Orders, and
- a review of relevant completed disciplinary proceedings the applicant may have had in previous employment.

This Act was also amended by the *Child Protection Legislation Amendment Act 2002*. The amendment enabled the Commissioner of Police to provide information to the CCYP concerning relevant Apprehended Violence Orders.

Part 7 of the Act also imposes specific duties on employers in relation to relevant disciplinary proceeding. The Commission for Children and Young People must be notified of the outcome of completed relevant disciplinary proceedings.

### **11.2.2.4 *Privacy and Personal Information Protection Act 1998***

The *Privacy and Personal Information Protection Act 1998* set up the Office of the Privacy Commissioner, and gives the Commissioner a number of powers including conducting research, giving out advice and handling complaints about breaches of privacy. Secondly the Act introduces a set of privacy standards for the NSW public sector. These standards regulate the way public sector agencies deal with personal information.

The jurisdiction of the NSW Act is generally limited to the public sector. However, the Privacy Commissioner (NSW) can also investigate and conciliate privacy breaches by organisations and individuals who are not public sector agencies and are not covered by

the Federal Privacy Act. The Act also allows for agencies to opt out of one or more of the principles by developing a privacy code of practice.

The information protection principles in the Act cover matters such as the collection, storage, use and disclosure of personal information. The *Health Records and Information Privacy Act 2002* (NSW) applies to the State public sector and to acts or practices in the private sector not covered by the Privacy Act.

National Privacy Principles in the *Privacy Act 1988* (Cth) protect personal information, including health information, handled by private sector organisations and small businesses in the community. These principles cover many large and some small businesses in the private sector, including private schools, and all private health service providers. They set out rules for the way these organisations and small businesses must collect personal information, the quality of the information, how it is secured and how the information is used and disclosed.

#### **11.2.2.5 Mental Health Act 1990**

The *Mental Health Act 1990* makes provision with respect to the care, treatment and control of mentally ill and mentally disordered persons and other matters relating to mental health and for other purposes.

Under Section 9 of this Act a person is considered a mentally ill person if the person is suffering from mental illness and, owing to that illness, there are reasonable grounds for believing that care, treatment or control of that person is necessary:

- (a) for the person's own safety from serious harm, or
- (b) for the protection of others from serious harm.

In considering whether a person is a mentally ill person, the continuing condition of the person, including any likely deterioration in the person's condition and the likely effects of any such condition, are to be taken into account.

Under Section 10 of the Act a person (whether or not the person is suffering from mental illness) is considered a mentally disordered person if the person's behaviour for the time being is so irrational as to justify a conclusion on reasonable grounds that temporary care, treatment or control of the person is necessary:

- (a) for the person's own safety from serious harm, or
- (b) for the protection of others from serious harm.

The Act also details circumstances where a person is not a mentally ill or mentally disordered person.

#### **11.2.2.6 Protected Estates Act 1983**

The *Protected Estates Act 1983* makes provision with respect to the management of the property and affairs of persons who are incapable of managing their own affairs by reason of mental or other condition and certain other persons.

Under Part 2 of this Act a Protective Commissioner and Deputy Protective Commissioner are appointed under, and hold office subject to, the *Public Sector Employment and Management Act 2002* (NSW).

Part 3 of the Act provides that where the Court is satisfied that a person is incapable of managing his or her affairs, it may make a declaration to that effect and order that the estate of the person be subject to management under the Act.

Under this Act a protected person means a person in respect of whom an order is in force under this Act or the *Guardianship Act 1987* (NSW) that the estate (or any part thereof) of the person be subject to management under this Act.

#### **11.2.2.7 Occupational Health and Safety Act 2000**

The *Occupational Health and Safety Act 2000* and the Occupational Health and Safety Regulation (OHS) 2001 contain provisions that require employers to consult with employees on health and safety matters. The OHS Regulation 2001 sets out requirements for workplaces related to putting into place systems to identify, assess, control and/or eliminate health or safety risks. It also details how the duty to consult with employees about health and safety matters can be met.

The OHS Regulation 2001 provides broad coverage for all workplaces along with specified control measures for particular hazards and industry activities. These relate to:

- identification of all workplace hazards
- assessment of risks arising from those hazards
- implementation of measures to control those risks
- provision of training, instruction and supervision
- workplace consultation between employers and employees
- control of specific high risk hazards such as plant, hazardous substances and hazardous processes
- construction work
- requirements for
  - certification of operators of equipment
  - licensing of certain businesses
  - notifications to WorkCover.

Amendments to the OHS Regulation in 2005 regulate the supply, transport and storage of chemicals whether as single chemicals or constituents in mixtures. It includes licensing provisions for manufacture (explosives), drivers of transport vehicles, and operation of dangerous goods stores in addition to labelling and packaging requirements.

The regulation under this Act has over 370 clauses and refers to several Australian standards. In addition, the Australian Code for the Transport of Dangerous Goods by Road and Rail details the dangerous goods concerned and defines the labelling (other than those covered by the *Poisons Act 1966* (NSW)) and performance specifications of the packaging.

It provides instructions on the storage, use and disposal of dangerous goods in the workplace. This includes substances used in a range of specialist subjects in schools, together with substances used for cleaning, weed control and other similar purposes.

The amendments to this legislation have three main implications for schools:

- Dangerous goods must be stored safely in consideration to their relative hazards and to their compatibility with other substances.

- Containers of dangerous goods must be labelled with the appropriate Class labels once certain quantity thresholds are reached.
- Where quantities of dangerous goods stored on site exceed limits specified under the Regulations, schools will require a Dangerous Goods Licence.

It is a legislative requirement that a register of all hazardous substances stored on site be kept and be readily accessible to all staff.

#### **11.2.2.8 Environmental Planning and Assessment Act 1979**

The *Environmental Planning and Assessment Act 1979*, updated in 2002, gives the Building Code of Australia the status of regulations. Under this Code, boarding schools are classified as Class 3 buildings. The Building Code contains technical provisions for the design and construction of buildings and other structures and covers such matters as structure, fire resistance, access and egress, services and equipment and certain aspects of health and amenity.

The Environmental Planning and Assessment Regulation 2000, also requires the owners of all Class 2 to Class 9 buildings subject to a building approval or fire safety notice order or order by the Council after 1 July 1988, to submit a fire safety statement to their local Council and the Fire Commissioner of the New South Wales Fire Brigades. The fire safety statement and the relevant fire safety schedule are to be prominently displayed in the building.

While there are older buildings which may not currently be subject to these requirements, at a future date many of these buildings will be subject to a development consent, building approval or a fire safety order which will incorporate these requirements.

Essential fire safety services encompass a number of fire safety measures within buildings or premises and include:

- automatic fire suppression systems
- fire hose reels
- fire hydrants
- smoke detection and alarm systems
- fire doors
- fire extinguishers
- solid-core doors
- smoke exhaust systems
- exit signs
- fire drenchers
- emergency lighting
- exit systems and paths of travel to exits.

#### **11.2.2.9 Food Act 2003**

The *NSW Food Act 2003* regulates the handling of food for sale and the sale of food and provides for the application of the Australian and New Zealand Food Standards Code in New South Wales.

The objects of this Act include the following:

- to ensure food for sale is both safe and suitable for human consumption,

- to prevent misleading conduct in connection with the sale of food,
- to provide for the application in this State of the Food Standards Code.

The *Food Act 2003* repealed the *Food Act 1989*.

#### **11.2.2.10 *Animal Research Act 1985***

Since 1991, all New South Wales schools have been required to comply with the requirements of the *Animal Research Act 1985* in respect of any use of animals in teaching and learning. The *Act* places the responsibility for the care and welfare of animals in schools upon the school principal and the teacher involved with use of animals.

Any involvement of animals in schools must be managed in accordance with the document *Animal Welfare Guidelines for Teachers* produced by the New South Wales Schools Animal Care and Ethics Committee (available from, SACEC Support Officer, c/- Curriculum Support Directorate, Department of Education and Communities, Private Bag 3, Ryde NSW 2112, phone 9886 7426).

#### **11.2.2.11 *Anti-Discrimination Act 1997***

Under the *Anti-Discrimination Act 1977* it is against the law to discriminate against or harass people on the basis of their:

- race
- sex (including pregnancy)
- disability
- age
- marital status
- homosexuality
- transgender status
- carer's responsibilities.