



Victorian **Registration &
Qualifications** Authority

Guide to the minimum standards and other requirements for school registration

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Revisions to the *Guide to the Minimum Standards and Other Requirements for School Registration* were approved by the VRQA Board on 5 August 2014.

Please note that changes from the previous Guide, revised in October 2012, are highlighted as red text.

Introduction

This guide provides advice about school registration in Victoria. The guide is based on the *Education and Training Reform Act 2006* and on the *Education and Training Reform Regulations 2007*.

The Education and Training Reform Act 2006

The *Education and Training Reform Act 2006* (the Act) provides principles on which school education in Victoria is to be based.

- All providers of school education, both government and non-government, must ensure that their programs and teaching are delivered in a manner that supports and promotes the principles and practice of Australian democracy. These principles include a commitment to elected government, the rule of law, equal rights for all before the law, freedom of religion, freedom of speech and association, and the values of openness and tolerance.
- All Victorians, irrespective of the education or training institution they attend, where they live or their social or economic status, should have access to high-quality education that realises their learning potential and maximises their education and training achievement, promotes enthusiasm for lifelong learning and allows parents and guardians to take an active part in their children's education and training.
- Information about the performance of education and training providers should be publicly available.
- Parents and guardians have the right to choose an appropriate education for their children.
- A school community has the right to information about the performance of its school.
- A parent or guardian of a student and the student has the right to access information about the student's achievement.

The Act also sets out the following principles that apply only to government schools.

- The state provides universal access to education and training through the establishment and maintenance of a government education and training system.
- Government schools will provide a secular education and will not promote any particular religious practice, denomination or creed and are open to adherents of any philosophy, religion or faith.

- Instruction in the eight nationally agreed learning areas is to be provided free of charge for all students (except overseas students) attending a government school to the completion of Year 12 if the student is under 20 on 1 January in the year in which they undertake instruction.
- Every student has the right to attend a designated neighbourhood government school (except that selective government schools as determined by the Minister are not required to accept students from their designated neighbourhood).

The Victorian Registration and Qualifications Authority

The Victorian Registration and Qualifications Authority (VRQA) was established under the Act. The VRQA is responsible, among other things, for registering all schools (government and non-government) that operate in Victoria and for ensuring that registered schools meet the standards required for registration. This includes schools offering senior secondary qualifications.

Review Bodies

One of the ways by which the VRQA may satisfy itself whether or not a school complies with the prescribed minimum standards is 'on the basis of a report of the conduct of a review and evaluation by a person or body approved by the Authority to review a school or group of schools,' pursuant to part 4.3.2 (c) of the Act.

A review body is approved by the VRQA following submission of an application that demonstrates the entity meets the requirements of the *Arrangements for School Review Bodies* of the VRQA. One of these requirements is to provide an annual report to the VRQA on the compliance of their schools with the minimum standards.

The Catholic Education Commission of Victoria (CECV) and the Regional Services Group of the Department of Education and Early Childhood Development (DEECD), or the division given the responsibility by the Secretary DEECD for matters relating to compliance of government schools with the minimum standards, have been established as review bodies responsible for ensuring the ongoing quality assurance of their respective schools.

About this guide

This guide should be used by:

- an individual or organisation applying for registration of a school
- two or more registered schools that intend to amalgamate. (The proposed amalgamated school must apply to the VRQA as if it was a new school).
- a registered school. The guide provides information and advice about how the school can maintain its compliance and change certain aspects of its registration. Catholic and government schools should contact their respective review body, the CECV or the Regional Services Group DEECD or the division given the responsibility by the Secretary DEECD for matters relating to compliance of government schools with the minimum standards, for advice, application forms and procedures.

The guide also explains further requirements that apply to a school that offers a senior secondary qualification.

Evidence guide

This guide provides instructions and advice about the evidence required of a school to demonstrate compliance with the minimum standards. Figure 1 explains the wording used in the guide.

Figure 1: Evidence requirements

Wording	Explanation
'There must be evidence in the form of ...'	The evidence specified is essential to become registered and to maintain registration.
'Evidence may but will not necessarily include ...'	The evidence specified is advice or suggestion about types of evidence that a school might wish to provide.

About school registration

Requirement for registration

The Act requires all schools in Victoria to be registered before they can start operating.

An individual or organisation proposing to open a new non-government school must apply to the VRQA for registration of the school.

Two or more registered schools wishing to amalgamate must also apply to the VRQA to register (as if they were a new school).

A government school that was operating on 30 June 2007 was deemed to be registered when the Act was proclaimed on 1 July 2007.

A non-government school that was registered with the Registered Schools Board on 1 July 2007 was deemed to be registered when the Act was proclaimed on 1 July 2007. Such a school was deemed registered as a primary school, secondary school or special school, or as a combination of those schools subject to any terms and conditions of the registration under *the Education Act 1958*.

The VRQA may not grant registration unless it is satisfied that an applicant complies with the prescribed minimum standards.

A school is a place that provides education to children of compulsory school age, which is from 6 to 17 years. A school must be registered as one or more of the following types:

- a primary school
- a secondary school
- a co-educational school
- a single sex school
- a specific purpose school such as a school that provides an alternative educational program
- a specialist school (a school that caters mainly for students with disabilities or with social, emotional or behavioural difficulties).

Requirement to comply with the minimum standards and other requirements

Schools must comply with the minimum standards and other requirements specified in the Act and its Regulations, and explained in this guide.

Exceptions to minimum standards

Some exceptions to the minimum standards exist. These are explained in the relevant sections of the guide.

Minimum standards

The Act specifies that a school must have policies relating to student discipline that are based on principles of fairness and do not permit corporal punishment.

Minimum standards apply for:

- school governance (adherence to democratic principles, the school's philosophy and its not-for-profit status)
- enrolment (enrolment numbers, enrolment policy and the enrolment register)
- curriculum and student learning (the curriculum framework, student learning outcomes and monitoring and reporting on student performance)
- student welfare (the care, safety and welfare of students, student discipline policies and procedures, monitoring of attendance and the attendance register)
- employment of staff (teachers' requirements and compliance with the *Working with Children Act 2005*)
- school infrastructure (buildings, facilities and grounds and educational facilities).

Other requirements

Other requirements apply for:

- review and evaluation
- reporting to the VRQA
- information about school performance
- adding a year level
- establishing an additional campus
- changing a school's type of registration
- changing a school's location
- changing a school's particulars.

Schools offering a senior secondary qualification - the Victorian Certificate of Education (VCE), Victorian Certificate of Applied Learning (VCAL) or the International Baccalaureate Diploma (IB) - must also meet additional requirements. These are explained in the last section of this guide.

Bushfire preparedness

The Victorian Bushfire Royal Commission (VBRC) Interim Report proposed that:

- 'Improvements to bushfire preparedness could be built into the registration requirements for government and non-government schools alike.' (paragraph 8. p.134).

- ‘The Victorian Registration and Qualifications Authority ensure that government and non-government schools are audited as part of re-registration¹ requirement to ensure they have adequate bushfire safety procedures in place.’ (paragraph 8. p.151)

In February 2010, the VRQA Board endorsed the *Guidelines for Registered Schools on Bushfire Preparedness* (the guidelines) resulting from the *Report of the Bushfire Royal Commission*. On 5 August 2014, the VRQA Board revised and approved the guidelines.

For ease of reference, the evidence requirements have been incorporated into this guide. The guidelines are available at www.vrqa.vic.gov.au.

How to apply to register

An individual or organisation applying to operate a new school must do so using the *Application to register a school* form available from the VRQA. The form explains how to make an application, and the information and categories of evidence required. This guide explains exactly what evidence is required and should be referred to when completing the form.

How to amend the registration of a school

A registered school applying to amend its registration (such as by adding a year level or an additional campus) must do so using the application form appropriate for the amendment. The form explains how to make an application and the information and categories of evidence required. This guide explains exactly what evidence is required.

Registration reviews and appeals

Review of compliance

Once the school is registered, the VRQA may review and evaluate its compliance with the minimum standards and other requirements. It will do so no more than five years after the school’s initial registration or previous review.

The Act requires a school to participate in its review and to provide the VRQA with enough evidence to establish that it is complying with the minimum standards.

The VRQA can base its evaluation on:

- its analysis of data and other evidence of its compliance provided by the school
- a visit to the school by the VRQA or by a person or body

approved by the Authority to review the school’s compliance

- a combination of these two processes
- another agreed model of quality assurance.

The VRQA may also require, from time to time, a school to report on any matter pertaining to its registration and its compliance with the minimum standards and other requirements.

Consequences of non-compliance

If the VRQA determines that a registered school does not comply with one or more of the minimum standards, it may:

- impose conditions on the school’s registration
- prohibit the school from enrolling any new students
- require the school to report its non-compliance to parents
- suspend, cancel or impose conditions on the school’s registration.

Appeals of registration decisions

A person whose interests are affected by a VRQA decision to reject a registration application or to cancel or suspend a registration can apply to the Victorian Civil and Administrative Tribunal (VCAT) to review the VRQA’s decision. The application to VCAT must be made within 28 days after the later of:

- the day on which the decision was made, or
- if a person requests a statement of reasons for the decision, the day on which the statement was provided, or the person was informed that a statement of reasons would not be given.

Complaints about compliance

The VRQA is required to investigate a complaint alleging a breach of obligations by a school in relation to the democratic principles, to the availability of information about the school’s performance or to the right of a parent or student to access information about the student’s achievement.

A complainant must first raise their concerns with the principal or governing body of the school or, in the case of a system school, for example government or Catholic, with the relevant system body. They must allow a reasonable time for the school, governing or system body to respond. If they are not satisfied with the response, they should then write to the VRQA detailing their concerns and asking for an investigation.

¹ Please note that this quote incorrectly refers to a re-registration process for schools; schools have ongoing registration unless registration is cancelled by the school or the VRQA.

Minimum standards

School governance

Democratic principles

The programs of, and teaching in, a school must support and promote the principles and practice of Australian democracy, including a commitment to:

- elected government
- the rule of law
- equal rights for all before the law
- freedom of religion
- freedom of speech and association
- the values of openness and tolerance.

Sch. 2.1 Programs and teaching to promote principles underlying the Act. Exceptions apply, see notes below²

Intent

To ensure that a school is established in line with and operates consistently with the principles of Australian democracy.

Evidence guide

There must be evidence in the form of:

- a statement affirming the school's adherence to the principles such as might be included in the school's constitution, prospectus or handbook
- an explanation of how the school communicates such a statement to staff, students, parents and guardians and the school community.

Explanatory notes

The Regulations state that nothing in this standard 'is intended to affect the rights accorded to, or the compliance with any obligation imposed on, a school under an enactment of the State or of the Commonwealth'.

For example, the *Equal Opportunity Act 1995* allows a school to operate wholly or mainly for students of a particular sex, race, religious belief, age or age group. This enables a school established by a particular religious denomination or group of religious denominations to give preference in its enrolment policy to adherents of that denomination(s) or their children.

Structure

The governance of a school must be structured to enable the school to develop its strategic direction, effectively manage its finances and fulfil its legal obligations.

Drawn from Sch. 2, 15(1) School governance

Intent

To ensure that a school's governing structure manages its responsibilities well.

Evidence guide

The Act defines the role and responsibilities of a government school council. The Department of Education and Early Childhood Development monitors adherence to this standard by government schools.

For a non-government school, there must be evidence in the form of:

- an outline of the governing body's structure and membership, including details of the experience and expertise of the members of the Board, and the name and registered type of the legal entity (where applicable)
- the company or association's constitution or rules of association which outline the structure and legal obligations of the Board of the company or association
- the most recent financial statement for the company or association which must be audited
- the school's governance charter, outlining the key functions and responsibilities of the school board
- the school's strategic plan, and the school's business plan which is certified by a qualified accountant, ensuring that it includes:
 - enrolment estimates and assumptions
 - the estimated socioeconomic status of students and assumptions underpinning this status
 - estimated State and Commonwealth grant funding
 - five year forecast financial statements
 - a description of any service agreements between the school and third parties.

Evidence may but will not necessarily include:

- policies relating to the operation, professional development, review and induction of the governing body and its members.

² Note the text in the shaded boxes throughout this guide is directly (or has been drawn) from the *Education and Training Reform Act 2006* or the *Education and Training Reform Regulations 2007*.

Probity

The proprietor, any member of the governing body and any principal of a non-government school must be of good character and be able to carry out their responsibilities in relation to the operation of the school.

Drawn from Sch. 2, 15(2) School governance

Intent

To ensure that the proprietor, governing body members and principal of a non-government school are of good character and have the necessary skills, knowledge and experience to support the school's governing body to govern effectively.

Evidence guide

There must be evidence in the form of a completed *Declaration of Good Character*³ for each proprietor, member of the governing body and principal.

Explanatory notes

The Minister may make provision for the membership of government school councils. The eligibility of government school principals is dealt with under another part of the Act or by way of a Ministerial Order. Under the Act, the following people are not allowed to be a proprietor, governing body member or principal of a non-government school:

- a person found guilty of an offence which is (or which would if committed in Victoria be) an indictable offence
- a person who is bankrupt or who has taken the benefit of any law for the relief of bankrupt debtors, or compounded with his or her creditors or made an assignment of his or her property for their benefit
- a person who is a represented person under the *Guardianship and Administration Act 1986*
- a person who, if required under the *Working with Children Act 2005* to obtain an assessment notice under that Act to carry out any responsibilities in relation to the school, is in breach of any requirements of that Act.

In the case of a body corporate, a proprietor, governing body member or principal of a non-government school must not be an externally administered body corporate as defined in the *Corporations Act 1986*.

The VRQA may exempt a person from the requirement to comply with this standard if it considers that the requirement for compliance is inappropriate, bearing in mind:

- the nature and gravity of the person's offence and its relevance to conducting a school
- the period of time since the person committed the offence
- the sentence imposed for the offence
- whether or not the conduct that constituted the offence has been decriminalised since the person committed it
- the person's behaviour since committing the offence
- any information given by the person in, or in relation to, the application for registration of the school
- any other matter the VRQA considers relevant.

Philosophy

A school must have a clear statement of its philosophy.

Sch. 2, 16 School's philosophy

Intent

To ensure that a school is clear about its philosophy and can articulate it to staff, students, parents, guardians and the school community.

Evidence guide

There must be evidence in the form of:

- a statement of the school's philosophy which includes the vision, mission, values and objectives of the school
- an explanation of how the school's philosophy is enacted.

Explanatory notes

A statement of the school's philosophy enables the school's leadership to make clear to current and prospective staff, students and parents the nature of the school. Such a statement also provides a foundation for the school's strategic planning decisions and for performance reviews. The statement could be contained in the school's Articles of Association, prospectus, handbook, website, strategic plan or business plan.

³ For a copy of this declaration, see Appendix 1

Not-for-profit status

A school must be a not-for-profit school.

*sch. 2, 17 School must be not-for-profit
Transition arrangements apply, see Explanatory notes*

Intent

To ensure that a school is not established or conducted for the purpose of profit or gain.

Evidence guide

There must be evidence in the form of:

- a copy of the school's constitution
- a copy of the constitution of the legal entity or proprietor
- an executed Attestation of school's not-for-profit status.⁴

Explanatory notes

A non-government school registered before 1 July 2007 may continue to operate for profit. However, the school will be required to operate on a not-for-profit basis if, on or after 1 July 2007, the registration of the school is amended by the VRQA to include an additional campus or year level.

Enrolment

Student enrolment numbers

A school must have a minimum of 20 students enrolled. A secondary school must have an average enrolment of 10 or more students for each year level for which it is registered.

Sch. 2, 7 Student enrolment numbers. Transition arrangements and exceptions apply, see Explanatory notes

Intent

To ensure that a school has sufficient students to be able to provide a range of curriculum programs and learning experiences that will support the academic and social development of students.

Evidence guide

For a school applying to register

There must be evidence in the form of the planned number of enrolments, as declared in the *Application to register a school* form.

For a registered school

There must be evidence in the form of the enrolment register that records that the school has as many or more

students than the minimum number required by the standard, or than the minimum number as otherwise approved by the VRQA.

Explanatory notes

The minimum enrolment of 20 does not apply to a primary school located outside the Melbourne Statistical Division or outside an urban centre with 20,000 people or more, or to a specialist school. However, such a school must have 11 or more students.

The VRQA can approve a lower minimum number of enrolments if it is satisfied that:

- the school has sufficient students to provide instruction commensurate with students' year levels
- taken as a whole, the school substantially addresses the eight learning areas unless one or more of the learning areas is exempt, or if the school is registered for a specific purpose that reflects the type of educational program relating to that registration
- special circumstances apply, in which case the Authority must publish the reason for its approval of a smaller minimum number on its website.

Transitional provisions

The minimum enrolment of 20 does not apply to a government school that immediately before 1 July 2007 had less than 20 students as long as enrolments do not drop below the number of enrolments that they had on 30 June 2007. If they do, the minimum requirement of 20 will immediately apply.

The minimum enrolment of 20 does not apply to a non-government school if the Minister approved the school to open with fewer enrolments. However, it must not operate with fewer than the approved number of enrolments.

The minimum secondary school enrolment of an average of 10 students per year level does not apply to a government school that in 2006 had fewer than this minimum requirement as long as enrolments do not drop below the school's minimum number of enrolments in 2006. If they do, the minimum standard will immediately apply.

The minimum secondary school enrolment of an average of 10 students per year level does not apply to a non-government school that when the school opened had fewer than this minimum requirement as long as enrolments do not drop below the school's number of enrolments when it opened. If they do, the minimum standard will immediately apply.

⁴ For a copy of this attestation, see Appendix 3. Further information about not-for-profit status is at Appendix 2

Enrolment policy

A school must have a clearly defined enrolment policy that complies with all applicable State or Commonwealth laws. A school established by a particular religious denomination or by a group of religious denominations may have an enrolment policy that gives preference to adherents of that religious denomination or denominations or their children.

Sch. 2, 8 Enrolment policy

Intent

To ensure that a school's enrolment policy takes account of all requirements of laws relating to discrimination, equal opportunity, privacy and immunisation.

Evidence guide

There must be evidence in the form of a copy of the school's enrolment policy which is consistent with all legal requirements, and details of how it will be implemented for a school applying to register or how it is currently implemented for an existing school.

Register of enrolments

A register of enrolments must be maintained that contains, for each student:

- their name, age and address
- the name and contact details of any parent or guardian of the student
- the date of enrolment
- where applicable, the date the student ceased to be enrolled.

Drawn from Sch. 2, 9 Register of enrolment

Intent

To ensure that a school maintains an enrolment register that includes, at a minimum, the information required in the standard.

Evidence guide

For a school applying to register

There must be evidence in the form of:

- the school's enrolment register
- processes and procedures to ensure the enrolment register will be up-to-date.

For a registered school

There must be evidence in the form of:

- an enrolment register that is accurate, up-to-date and contains the information required in the standard
- processes and procedures to ensure the enrolment register is up-to-date.

Curriculum and student learning

Curriculum framework

A framework must be in place for the organisation, implementation and review of a school's curriculum and teaching practices and to ensure that, taken as a whole, the learning areas are substantially addressed.

Drawn from Sch. 2, 6 Curriculum framework for School. Exceptions apply, see Explanatory notes

Intent

To ensure that a school provides all students with a planned and structured curriculum to equip them with the knowledge, skills and attitudes needed to complete their compulsory years of schooling and to make a successful transition from school to work, training or further education.

Evidence guide

For a school applying to register

There must be evidence in the form of:

- an explanation of how appropriate time will be allocated across the eight learning areas
- an explanation of how and when curriculum and teaching practice will be reviewed
- an outline of how the school will deliver its curriculum, whether through the Australian Curriculum, AusVELS or other approved curriculum programs, integrated programs or online learning
- a whole-school curriculum plan showing how the curriculum will be organised.

Evidence may but will not necessarily include:

- yearly curriculum program plans for each cohort of students
- an indication of how the eight learning areas will be addressed across the years of schooling.

For a registered school

- an explanation of how appropriate time is allocated across the eight learning areas
- an explanation of how and when curriculum and teaching practice is reviewed
- an outline of how the school delivers its curriculum, whether through the Australian Curriculum, AusVELS or other approved curriculum programs, integrated programs or online learning
- a whole-school curriculum plan showing how the curriculum is organised.

Evidence may but will not necessarily include:

- yearly curriculum program plans for each cohort of students
- an indication of how the eight learning areas are addressed across the years of schooling.

Explanatory notes

The eight learning areas are:

- English
- Mathematics
- Sciences (including physics, chemistry and biology)
- Humanities and social sciences (including history, geography, economics, business, civics and citizenship)
- The Arts
- Languages
- Health and physical education
- Information and communication technology, and design and technology.

The VRQA may exempt a school from addressing one or more of the learning areas if the school is registered for a specific purpose, if it is a school for students with disabilities or for other reasons determined by the VRQA.

Students undertaking a senior secondary qualification are required to meet the requirements of the relevant awarding body. (Refer to page 21).

Student learning outcomes

A school must have processes in place that enable it to plan for, and achieve improvement in, student learning outcomes.

Sch. 2, 2 Student learning outcomes

Intent

To ensure that a school has appropriate structures and processes in place to support all its students to progress towards and achieve agreed learning outcomes.

Evidence guide

There must be evidence in the form of a documented strategy to improve student learning outcomes.

For a school applying to register

Such a strategy must include statements of:

- what data (such as National Assessment Program - Literacy and Numeracy (NAPLAN) testing, senior secondary and On Track data) the school will collect to monitor outcomes
- how the school will analyse and use data to set goals and targets for outcomes, including for students at risk
- how the data will be analysed, used and reported.

For a registered school

Such a strategy must include statements of:

- what data (such as NAPLAN testing, senior secondary and On Track data) the school collects to monitor outcomes
- how the school analyses and uses data to set goals and targets for outcomes, including for students at risk
- how the data is being analysed, used and reported.

Monitoring and reporting on students' performance

A school must ensure that there is ongoing assessment, 'monitoring and recording of each student's performance and provide each student and parent with access to accurate information about the student's performance.

Access to information must include at least two written reports to parents per year.

Drawn from Sch. 2, 3 Monitoring and reporting on students' performance

Intent

To ensure ongoing assessment, monitoring and recording of all students' performance and to report on performance, in writing, to parents and guardians at least twice a year.

Evidence guide

There must be evidence in the form of the school's assessment and reporting policies and procedures, including how it meets Commonwealth Government student reporting requirements.⁵

Student welfare

Care, safety and welfare of students

A school must ensure that the care, safety and welfare of students is in accordance with any applicable state and Commonwealth laws, and that staff are advised of their obligations under those laws.

Drawn from Sch. 2, 12 Care, safety and welfare of students

Intent

To ensure that a school has policies and procedures to provide students with a safe environment where the risk of harm is minimised and students feel physically and emotionally secure.

Evidence guide Student welfare

There must be evidence in the form of the school's policies and procedures with respect to:

- student welfare
- bullying and harassment, including cyber bullying
- managing complaints or grievances.

Student safety

There must be evidence in the form of the school's policies and procedures with respect to:

- on-site supervision of students
- supervision of students when engaged in off-site activities⁶ and which includes consideration of the risk of bushfire in the activity location
- ensuring the safety and welfare of students learning with an external provider (when the school contracts with another school, a registered training organisation or an organisation not registered as an education and training provider).

Student care

There must be evidence in the form of the school's:

- arrangements for ill students
- policy and procedures for distributing medicine
- **anaphylaxis management policy containing matters required by Ministerial Order 706 and the (associated) Anaphylaxis Guidelines issued by the Department of Education and Early Childhood Development (DEECD). The website www.education.vic.gov.au/school/teachers/health/pages/anaphylaxischl.aspx may assist applicants to develop the policy and procedures**
- current register of staff trained in first aid or a proforma for a school applying to register
- records of student medical conditions and management or a proforma for a school applying to register.

Additional evidence

There must also be evidence of the school's:

- mandatory reporting policy and procedures
- accidents and incident register
- first aid policy and procedures
- internet use policy and procedures
- critical incident plan
- emergency management plan which must be reviewed at least annually and immediately after any significant incident. (This plan must be site specific and include guidelines for emergency bushfire management).

There must also be evidence of how the school communicates policies and procedures on the care, safety and welfare of students to staff, students, guardians, parents and the school community.

⁵ Australian Education Act 2013, Part 6, Division 2, Section 77, Australian Education Regulation 2013, Part 5, Division 3, Subdivision G, Section 59

⁶ This includes work experience and structured workplace learning (SWL) as appropriate

Emergency Bushfire Management

For a school applying to register:

To confirm whether your school should be placed on the Bushfire At-Risk Register contact bushfires@edumail.vic.gov.au ⁷.

For all schools

All schools must regularly manage materials that may easily be ignited around buildings and facilities.

There must be evidence of:

- a schedule for monitoring and removal of materials that may be easily ignited, including branches overhanging buildings, debris and rubbish around and under buildings, including gutters, and dry grass and vegetation
- safe storage of flammable materials.

All schools must regularly monitor emergency access to buildings and grounds.

There must be evidence that:

- building exits are continuously kept clear of obstructions
- assembly points are designated and have appropriate access to emergency equipment
- there is access to facilities and grounds for emergency vehicles.

For a school on the Bushfire At-Risk Register extra procedures, in addition to the above, apply

Schools listed on the Bushfire At-Risk Register must have an Emergency Management Plan that details the school's response to managing bushfire risk including:

- closing the school on days declared Code Red
- on non-Code Red days in the event of bushfire or elevated risk:
 - maintain a heightened state of readiness
 - ensuring open lines of communication from local emergency services
 - be prepared/on standby to enact their Emergency Management Plan by:
 - relocating students and staff to a nominated 'shelter-in-place' within the school site that is compliant with relevant regulations, and/or
 - evacuating students and staff to an off-site safe area
- responding appropriately to instructions from emergency services.

Schools listed on the Bushfire At-Risk Register must inform students, staff and parents/**guardians** about their specific bushfire preparedness arrangements and train relevant staff in their bushfire preparedness roles.

There must be records of:

- the provision of information on bushfire preparedness policy and procedures to staff (including relief staff) and parents/**guardians**
- the school's closure arrangements for Code Red days as per the schools' Emergency Management Plan

- training of staff with specific roles and responsibilities in preparing for, monitoring and executing emergency bushfire procedures, including the effective operation of relevant emergency equipment
- the practice of evacuation procedures and drills at least once per term during the October-April bushfire season. **School evacuation drills must involve all students and staff moving to either a nominated on-site 'shelter-in-place' or an off-site evacuation point as per the school's Emergency Management Plan.**

Schools listed on the Bushfire At-Risk Register must maintain a register updated at least once per term during the October-March bushfire season of bushfire emergency equipment and ensure it is in working order.

There must be evidence of:

- an updated register of bushfire emergency equipment, in working order, which may include water systems and equipment; fire hydrants; hose reels and extinguishers; sprinkler systems; alarms; first aid materials and medical equipment; fire blankets and communication systems.

Schools listed on the Bushfire At-Risk Register must maintain notices of bushfire evacuation procedures and bushfire emergency contact numbers and locate them appropriately around the school.

There must be evidence of:

- notices of bushfire evacuation procedures and bushfire emergency contact numbers located appropriately around the school.

Schools listed on the Bushfire At-Risk Register must consult local agencies, where relevant, (the Country Fire Authority, Metropolitan Fire and Emergency Services Board, local Council) on their bushfire preparedness and compliance with local bushfire regulation of buildings, facilities and grounds.

There must be evidence of:

- a record of annual visitation or consultation with relevant local agencies.

Schools listed on the Bushfire At-Risk Register with an on-site 'shelter-in-place' must consult with the relevant agency on the building's compliance with relevant regulations.

Required evidence to be compliant or maintain compliance:

- documentation certifying that any on-site 'shelter-in-place' is compliant with relevant agency minimum standards.

⁷ Bushfire preparedness is not just a concern for schools on the Bushfire At-Risk Register. Student transport to and from school, participation in off-site activities (including camps, excursions and sporting activities) and the risk of localised fire events demonstrate the importance of bushfire preparedness for all schools.

Discipline

A school's policies relating to the discipline of students must be based on principles of procedural fairness and must not permit corporal punishment.

Drawn from Education and Training Reform Act 2006 s. 4.3.1(6) Requirements for registration

Intent

To ensure that a school has policies and procedures to promote a consistent and fair approach to student discipline.

Evidence guide

There must be evidence in the form of:

- a policy that explicitly states that corporal punishment is not permitted
- the school's behaviour management policy and procedures and how the policy and procedures ensure procedural fairness
- an outline of how the school communicates these policies and procedures to the school community.

Such policies and procedures may, but will not necessarily, include:

- an explanation of the school's approach to discipline and how it ensures procedural fairness
- procedures for suspension, expulsion and exclusion
- procedures for imposing penalties
- documentation and communication processes.

Explanatory notes

Schools use a variety of approaches to promote good student behaviour and to reduce and resolve conflict between students and between students and staff. Whatever approach is adopted, it must be clear to the whole school community.

Attendance monitoring

Provision must be made at a school to:

- monitor daily attendance
- identify absences from school or class
- follow up unexplained absences
- notify any parent or guardian about unsatisfactory attendance
- record unsatisfactory attendance information on student files.

Drawn from Sch. 2, 10 Monitoring of attendance

Intent

To ensure that a school has policies and procedures to monitor students' attendance and to follow up unexplained or unacceptable absences.

Evidence guide

There must be evidence in the form of the school's procedures to:

- check attendance at least twice a day
- monitor daily attendance and identify absences from school or class
- follow up unexplained absences
- notify parents and guardians of unsatisfactory attendance
- record unsatisfactory attendance on students' files.

Attendance register

A school must maintain an attendance register of students of compulsory school age and record in it each student's attendance at least twice per day as well as any reason (given or apparent) for a student's absence.

Drawn from Sch. 2, 11 Attendance register

Intent

To ensure that students' attendance is recorded systematically and that a school has adequate records to follow up absences.

Evidence guide

For a school applying to register

There must be evidence of the form that the attendance register will take.

For a registered school

There must be evidence in the form of a register of the attendance of all students at the school, for each calendar year. The register must show twice-daily attendance checks and any reasons for absence.

Explanatory notes

The Act empowers the school to ask a parent of an enrolled student of compulsory school age for an explanation of the student's failure to attend the school at a time when the school was open for instruction.

Staff employment

Teachers' requirements

All teachers employed to teach at a school must be registered or have permission to teach and comply with any conditions or limitations of that registration.

Drawn from Sch.2,4 Teachers' requirements

Intent

To ensure that only teachers registered with the Victorian Institute of Teaching, or who have permission to teach, are employed to teach at a school.

Evidence guide

There must be evidence in the form of a register of teachers containing each teacher's name and their teacher registration number, the Victorian Institute of Teaching category of registration (provisional registration, full registration, permission to teach) and the expiry and renewal date of the teacher's registration.

Explanatory notes

The Victorian Institute of Teaching is responsible for the registration (including provisional and interim registration) of teachers employed in Victorian schools.

Compliance with the *Working with Children Act 2005*

The requirements of the *Working with Children Act 2005* must be complied with in respect of the employment of all staff at a school.

Sch. 2, 5 Working with Children Act 2005

Intent

To ensure that all people employed at a school meet the requirements of the *Working with Children Act 2005*.

Evidence guide

For a school applying to register

There must be evidence in the form of:

- procedures to ensure that all staff required to do so by the *Working with Children Act 2005* have a current Working with Children Check
- a register of staff with a Working with Children Check
- procedures for maintaining the register.

For a registered school

There must be evidence in the form of:

- a register of staff with a Working with Children Check
- procedures for maintaining the register.

Explanatory notes

The *Working with Children Act 2005* requires all employees, self-employed people and volunteers to obtain a Working with Children Check if they:

- are involved in defined categories of child-related employment
- have regular, direct contact with children that are not directly supervised.

The Working with Children Check is a criminal record check for sex, violence and drug offences and for relevant findings by the Victorian Institute of Teaching.

A teacher registered with the Victorian Institute of Teaching does not need a Working with Children Check.

A teacher whose registration is suspended is not registered and must not teach. If they are employed in a non-teaching capacity, they need a Working with Children Check.⁷

School infrastructure

Buildings, facilities and grounds

A school's buildings, facilities and grounds must comply with any laws that apply to the school including local laws and building, planning and occupational health and safety laws.

Sch. 2, 13 Buildings, facilities and grounds

Intent

To ensure that a school's buildings, facilities and grounds meet all legal standards and fully comply with health and safety requirements.

Evidence guide

There must be evidence in the form of:

- a permit to operate an education centre on the site
- evidence that buildings and facilities comply with local planning regulations and with the Building Code of Australia, Class 9b
- an essential services register
- a maintenance schedule for buildings, facilities and grounds
- rental or lease arrangements (if applicable)
- policy and procedures for occupational health and safety.

⁷ For more information about who needs to apply for a Working with Children Check, see www.justice.vic.gov.au/workingwithchildren

Explanatory notes

In some cases a school may choose to seek advice from, or be reviewed by, an external agency (such as Victorian Workcover Authority) to establish its compliance with occupational health and safety requirements.

A school on the Bushfire At-Risk Register with an on-site 'shelter-in-place' must comply with the VRQA Guidelines for Registered Schools on Bushfire Preparedness. Refer to page 11 of this guide.

In some cases, a certificate of continual use can be provided in lieu of a planning permit.

Educational facilities

The educational facilities of a school must be suitable for the programs it offers and for students' age levels.

Drawn from Sch. 2, 14 Educational facilities

Intent

To ensure that a school's facilities are adequate for effective delivery of the school's curriculum and co-curricular programs and suit students' various ages and developmental stages.

Evidence guide

There must be evidence in the form of a plan of the school showing the location of facilities available for each program offered across the school day.

Reporting to the VRQA

The proprietor or principal of a registered school must provide to the Authority in accordance with the Regulations a report containing the information required.

Drawn from s.4.3.5(1) Education and Training Reform Act 2006 and Reg 64. Information required in reports to the Authority

Intent

To ensure that a school, when requested to do so, provides the VRQA with the information it needs to carry out its responsibilities under the Act and Regulations.

Explanatory notes

Once a school is registered, the VRQA may require the proprietor or principal to provide a report that helps it assess:

- whether the school is continuing to comply with the minimum standards or other requirements
- whether any of the information in the State Register needs to be updated
- any complaint made involving the school
- whether the school is complying with the requirements of relevant legislation and regulations.

The VRQA must give the proprietor or principal a reasonable time to comply with its request for information. The proprietor or principal must comply with the request within the time specified in the request. The VRQA's request and the information provided must be in writing, unless the parties agree otherwise.

Wherever possible, the VRQA will try to avoid duplicating reporting requirements.

Information about school performance

Information about a school's performance must be provided to the school community.

The information must include:

- a description and analysis of student learning outcomes in statewide tests and examinations for the current year (and for the last two years if the school has been established that long)
- a description and analysis of rates of student attendance for the year
- a report of the school's financial activities
- copies of any other reports the school is required to provide under State or Commonwealth funding agreements.

Drawn from Sch. 2, 18 Information on school's performance to be available

Intent

To ensure that a school monitors and reports to the school's community on its performance against key indicators.

Evidence guide

There must be evidence in the form of:

- a copy of the school's annual report that contains the mandatory information
- an outline of how the report is distributed and promoted.

Adding a year level

A registered school must seek Authority approval to offer or conduct a year level of schooling in addition to those for which it has been registered.

Sch. 5 Information required for application to amend registration to include additional year level

Intent

To ensure that a registered school intending to offer or conduct a year level for which it is not registered applies well in advance to the VRQA to do so.

Evidence guide

There must be evidence in the form of:

- an overview of the curriculum program to be offered
- details of the year level to be added and the number of students to be enrolled
- the organisation of the year level showing the allocation of time and teachers for each learning area
- details of teaching staff to be employed for the year level, including their academic qualifications and registration details
- details of the buildings, facilities and grounds, and educational facilities available for the year level
- evidence that the school is not-for-profit.

Establishing an additional campus

A registered school must seek Authority approval to include an additional campus at the school.

Sch. 4 Information required for application to amend registration to include additional campus

Intent

To ensure that a registered school intending to include an additional campus at the school applies well in advance to the VRQA.

Evidence guide

There must be evidence in the form of:

- details of the year levels to be provided and the curriculum to be offered, including how appropriate time is allocated across the learning areas for each year level and an explanation of how and when curriculum and teaching practice is reviewed
- details of the age range and the number of students to be enrolled in the campus at each year level
- details of teaching staff to be employed for the year level, including their academic qualifications and registration details
- a register of the Working with Children Check for all non-teaching staff and procedures for maintaining the register. A proforma is acceptable for a school applying to register
- details of the buildings, facilities and grounds, and the educational facilities, to be provided for the campus
- a plan of the school showing the location of facilities available for each program offered
- evidence that buildings, facilities and grounds comply with relevant statutory requirements, including a 9b occupancy certificate
- a copy of the emergency management plan for the new campus (this must be site specific), including guidelines on bushfire preparedness
- an essential services register
- a maintenance schedule for buildings, facilities and grounds
- occupational health and safety policy and procedures
- rental or lease arrangements (if applicable)
- if the addition of the campus will involve any change to the type of registration, which type of registration will be applicable
- policies relating to student behaviour

- evidence that the school is not-for-profit.

If the establishment or operation of the additional campus is not within the scope of the school's current registration, the school must also provide:

- policies relating to compliance with the minimum standards
- an explanation of the philosophy of the campus
- the business plan for the campus
- an outline of governance arrangements for the campus.

Explanatory notes

The regulations state that 'campus' means a location at which part of a school is conducted or proposed to be conducted under the name of the campus as part of the school and -

- (a) the campus and the school have a common governing body or the governing body of the campus is responsible to the governing body of the school; and
- (b) in the case of a non-government school, the campus and the school have the same proprietor.

Changing a school's type of registration

A school must only be conducted as the type of school in respect of which it is registered.

Drawn from Reg. 62(b) School must be conducted in accordance with registration

Intent

To ensure that a registered school intending to vary the type of its registration applies well in advance to the VRQA to do so.

Evidence guide

A school that intends to vary its type of registration must ensure that it meets all the minimum standards as they apply to its intended type of registration.

Further evidence is not required for standards where the school's compliance is not affected by the variation. For example, compliance with the democratic principles or enrolment register standards in most cases is unlikely to be affected by a variation in the type of registration. However, a variation is likely to affect compliance with other standards (for example, curriculum framework, educational facilities and student safety and welfare policies).

There must be evidence in the form of the evidence stated in other parts of this guide for all standards affected by the variation.

Changing a school's location

A school must only be conducted at a campus or place in respect of which it is registered.

Drawn from Reg. 62(b) School must be conducted in accordance with registration

Intent

To ensure that a school does not change location without the VRQA's approval and that a registered school intending to vary the location of its registration applies well in advance to the VRQA to do so.

Evidence guide

There must be evidence in the form of:

- a copy of the permit to operate an education centre on the site
- evidence that buildings, facilities and grounds at the new location comply with all relevant laws including local building, planning and occupational health and safety laws and regulations, and with the Building Code of Australia Class 9b
- an essential services register
- a maintenance schedule for buildings, facilities and grounds
- the school's occupational health and safety policy and procedures

- rental or lease arrangements (if applicable)
- a plan of the school showing the facilities available for each program offered across the school day.

Changing a school's particulars

The principal of a registered school must notify the Authority within 30 days of any changes to specified details of a school.

Reg. 63 The Authority must be notified of change of particulars

Intent

To ensure that the VRQA has accurate and current information about a school's particulars.

Evidence guide

- There must be evidence in the form of written notification to the VRQA of changes (within 30 days of the change) of:
 - the name or contact details of the proprietor, principal, president or chair (as the case requires) of the school's governing body
 - the address of the school or any campus
 - the school's religious or other affiliation.

Minimum standards for schools offering a senior secondary qualification

A senior secondary awarding body means a person or body that proposes to award, confer or issue a registered senior secondary qualification. The Victorian Curriculum and Assessment Authority (VCAA) and the International Baccalaureate (IB) are currently registered by the VRQA as awarding bodies. In Victoria, the accredited senior secondary qualifications are the Victorian Certificate of Education (VCE), the Victorian Certificate of Applied Learning (VCAL) and the International Baccalaureate Diploma (IB).

Schools applying to offer a senior secondary qualification must meet the minimum standards for schools (Schedule 2 *Education and Training Reform Regulations 2007*) as well as the minimum standards for registration to provide an accredited senior secondary course (Schedule 7 *Education and Training Reform Regulations 2007*).

In this schedule, a senior secondary provider means a person, body or school providing or proposing to provide, an accredited senior secondary course.

A school must comply with the conditions of its authorisation/s.

Principles to apply

The programs and teaching of a senior secondary education provider must support and promote the principles and practice of Australian democracy, including a commitment to:

- elected government
- the rule of law
- equal rights for all before the law
- freedom of religion
- freedom of speech and association
- the values of openness and tolerance.

Sch 7.2 Programs and teaching to promote principles underlying the Act

The evidence required for this standard is addressed in the standard for a registered school under School governance- Democratic principles on page 5.

Governance and probity

The governance and management of a senior secondary education provider must be structured to enable the provider to effectively manage:

- the finances of the provider
- the physical environment of each place where the course is offered by the provider
- the staff of the provider
- the students enrolled in the course offered by the provider.

A senior secondary provider must ensure that suitable arrangements are in place:

- to enable the provider to respond to and supply any information requested by the Authority in regard to matters listed in section 4.3.11 (2) of the Act;
- to enable the provider to comply with any relevant guidelines issued by the Authority under section 4.3.11 (3) of the Act; and
- to enable the Authority to conduct an audit on the operation of the person, body or school in relation to the minimum standards.

If a senior secondary education provider is not the owner of an accredited senior secondary course, the provider must be authorised by the owner of the accredited senior secondary course to provide that course and must comply with the conditions relating to that authorisation.

A senior secondary education provider must not provide instruction in an accredited senior secondary course at a school unless it is a registered school.

Sch.7.7 Governance and probity

Intent

To ensure that a school's governing structure manages its responsibilities well in relation to senior secondary provision.

Evidence guide

The evidence required for this standard is addressed in the standard for a registered school under School governance- Structure on page five.

Evidence may but will not necessarily include:

- policy and procedures for the management of the physical environment of each place where the school offers a senior secondary course
- a staff manual.

Explanatory notes

The school must be authorised by:

- the VCAA to provide the VCE or VCAL, or
- the IBO to provide the IB Diploma.

Student learning outcomes

A senior secondary education provider that provides, or proposes to provide, an accredited senior secondary course must:

- deliver the course to the standards established by the awarding body for the qualification
- ensure that a student who satisfactorily completes all of the course requirements will be entitled to be awarded the registered qualification.

Sch. 7.3 Student learning outcomes

If the school wishes to offer vocational education and training (VET) qualifications, it must meet the requirements of a registered training organisation.

Intent

To ensure a school understands the awarding body's requirements and course outlines.

Evidence guide

There must be evidence in the form of:

- current student and staff handbooks and course outlines for the accredited qualification
- sample student learning sequences or plans for the accredited qualification
- procedures and documentation to indicate that staff and students have been provided with current and accurate information about the awarding body's requirements including course standards, timelines and qualification requirements.

If the school shares responsibility for a senior secondary course with another provider, there must be evidence in the form of a copy of a written agreement between the providers stating how the requirements of the student learning outcomes standard will be met.

Student records and results

A senior secondary education provider must have policies and procedures in place:

- to maintain accurate student records and ensure the integrity of student assessments
- if the provider is not the awarding body, to enable compliance with the requirements of the awarding body for the course with regard to the assessment program and the timely provision of student enrolments and results
- if the provider is also the awarding body, to deal with the assessment program and the timely provision of student enrolments and results
- to monitor patterns of student participation and completion rates, and the quality of outcomes of students in the registered senior secondary education qualification
- to undertake an annual analysis (that is made publicly available) of student participation and completion rates and outcomes.

A senior secondary education provider must prepare and maintain records of student assessments and comply with appropriate requests to provide copies of a student's records to the student or a person authorised by the student to receive the records.

A senior secondary education provider must have processes in place that comply with the requirements of the awarding body for the course for the accurate and timely issuing of qualifications and for the retention, archiving and retrieval of sufficient information about student enrolments and results to enable the re-issue of statements and certificates if required.

Sch 7.5 Student records and results

Intent

To ensure that the school has policies and procedures for senior secondary assessment, administration of records and monitoring and analysis of results.

Evidence guide

There must be evidence in the form of the policy and procedures for senior secondary assessment, administration of records and monitoring and analysis of results to meet the requirements of this standard.

If the school shares responsibility for a senior secondary course with another provider, there must be evidence in the form of a copy of a written agreement between the providers stating how the requirements of the student records and results standards will be met.

Explanatory notes

The evidence needs to demonstrate an understanding of the awarding body's requirements.

Student welfare

A senior secondary education provider must have policies and procedures in place that are consistent with any relevant legislation to ensure the care, safety and welfare of students and the provision of opportunities for students with special needs to access the course.

If two or more senior secondary education providers share the responsibility for providing an accredited senior secondary course or its components to a student, each of those providers must have procedures in place to identify and satisfy the legal duties owed to the student while the student attends, travels between or undertakes an excursion with the providers.

Sch 7.4 Student welfare

Intent

To ensure the school has policies and procedures to provide students with a safe environment and opportunities for students with special needs to access courses.

To ensure there are appropriate procedures in place for students where two or more senior secondary education providers share the responsibility for providing an accredited senior secondary course.

Evidence guide

There must be evidence in the form of an outline of how students with special needs are able to access courses.

If the school shares responsibility for a senior secondary course with another provider, there must be evidence in the form of a copy of a written agreement between the providers stating how each manages its legal responsibilities for students who attend the course, travel between providers or go on excursions.

Teaching and learning

A senior secondary education provider must have:

- qualified and competent staff to teach and assess the course
- suitable teaching resources and physical facilities to provide the course
- processes to ensure the consistent application of assessment criteria and practices
- processes to oversee the conduct of assessments of the course including processes to conduct investigations and hearings and, if necessary, amend or cancel assessments.

Sch 7.6 Teaching and learning

Intent

To ensure the school has competent and qualified staff to teach and assess the course and to ensure there are suitable teaching resources and physical facilities to provide the course.

Evidence guide

There must be evidence in the form of:

- a register of teachers' qualifications or the principal's attestation of teachers' qualifications
- a plan of the school showing the location of physical facilities to support the course
- an overview of teaching resources
- policy and procedures to ensure the consistent application of assessment criteria and practices and to oversee the conduct of assessments of the course.

If the school shares responsibility for a senior secondary course with another provider, there must be evidence in the form of a copy of a written agreement between the providers stating how the requirements of the teaching and learning standard will be met.

Appendix 1: Declaration of good character

Answer ALL the following questions by crossing the correct box. Y stands for yes and N for no. Then date and sign the declaration.
To be completed by the proprietor, all governing body members and the school principal. A principal means a person appointed to the position as principal of a registered school or a person in charge of a registered school (the Act section 1.1.3).

Have you been found guilty of an offence which involved theft, dishonesty or fraud?	Y <input type="checkbox"/> N <input type="checkbox"/>
Have you been found guilty of an indictable offence which is, or which would if committed in Victoria be, an indictable offence?	Y <input type="checkbox"/> N <input type="checkbox"/>
Have you obtained education qualifications through dishonesty or assisted others to obtain education qualifications through dishonesty?	Y <input type="checkbox"/> N <input type="checkbox"/>
Are you, or have you been subject to, an order or a law disqualifying you from being employed by or involved in managing a school?	Y <input type="checkbox"/> N <input type="checkbox"/>
Have you been the subject of disciplinary action in any professional or occupational capacity that involved a finding of guilt?	Y <input type="checkbox"/> N <input type="checkbox"/>
Have you ever engaged in teaching:	
i. when not registered as a teacher as required under the laws of the relevant country? or	Y <input type="checkbox"/> N <input type="checkbox"/>
ii. if registered as a teacher, contravened a condition, limitation or restriction on which your registration was granted?	Y <input type="checkbox"/> N <input type="checkbox"/>
Are you or have you ever been bankrupt or have you taken the benefit of any law for the relief of bankrupt debtors, or compounded with your creditors or made an assignment of your property for your benefit?	Y <input type="checkbox"/> N <input type="checkbox"/>

If you answered 'yes' to any question, please provide further details on a separate sheet of paper and attach it to this declaration.

DECLARED on the _____ day of _____ 20____ (Day, month and year)

by _____ (Name of person signing)

the _____ (Title of person signing)

with the authority of and for and on behalf of _____ (Name of school)

X _____ (Signature of person making the declaration)

Appendix 2: What is a not-for-profit school?

Summary

A 'not-for-profit' school has a specific meaning under the *Education and Training Reform Regulations 2007* (Regulations). The key elements which make a school 'not for profit' are that the school is not established for the purpose of generating profit or gain, and that the money and property received by the school during the course of its operations is only applied toward the conduct and furtherance of the school and is not used for another purpose.

Generating a profit or gain will not, of itself, mean that a school is 'for profit'. If the school applies those profits or gains toward the conduct of the school, then it is still capable of satisfying the 'not-for-profit' requirement. On this basis, the Regulations provide that a proprietor is not to be taken to conduct the school for the purpose of profit or gain if the proprietor makes a financial surplus in the course of the proper administration of the school.

What are the requirements of a 'not-for-profit' school under the Regulations?

- 1 For the purposes of Regulation 7, a not-for-profit school is a school that satisfies all the following criteria:
 - the school is not established for the purpose of profit or gain
 - the proprietor of the school does not conduct the school for the purposes of profit or gain
 - no part of the profit or gain made in the conduct of the school is or may be distributed to any entity
 - all money and property received by the school or the proprietor of the school for the conduct of the school are applied solely towards the conduct of the school
 - the proprietor of the school is not a party to a Prohibited Agreement or Arrangement
 - in the case of a non-government school, on the closure of the school, any surplus assets of the school remaining after payment of the school's liabilities are required by the constitution or rules governing the school to be:
 - used by the proprietor of the school for providing education services to school-age children or for other not-for-profit purposes; or
 - given to a not-for-profit entity operating within Australia that provides education services to school children or that has similar purposes to the proprietor.
- 2 For the purposes of Sub Regulation 7 (1), a proprietor of a school is not to be taken to conduct the school for the purposes of profit or gain if the proprietor makes a financial surplus in the course of the proper administration of the school.
- 3 Interpretation

Unless otherwise stated, words or phrases in this appendix have the following meaning:

'Conduct' of a school includes:

- fund-raising activities conducted solely for the school
- the provision of goods and services and other matters or things to students attending the school
- the provision of other educational or similar services.

'Entity' includes trust.

'Prohibited agreement or arrangement' means an agreement or arrangement that is made with an Entity that carries on business for profit or gain where:

- (a) the purpose of the agreement or arrangement is to pay or divert any profit or gain made in the Conduct of the school to that Entity or any other Entity (other than a payment made in good faith for goods provided or services rendered to the school)
- (b) the agreement or arrangement:
 - (i) involves a payment by the school or the proprietor of the school for a purpose where the payment is excessive compared to the charges, fees, rates or costs for the time being prevailing in the community for payment for that purpose (other than a payment made in good faith for that purpose)
 - (ii) involves a gift, loan or similar payment by the school or the proprietor of the school (other than deposits made to a bank in connection with the Conduct of the school)
 - (iii) involves a payment by the school or the proprietor of the school that is not a payment made in good faith for goods provided or services rendered to the school.

'Proprietor' in relation to a school includes the governing body of the school.

Appendix 3: Attestation of school's not-for-profit status

About this attestation

Under *the Education and Training Reform Regulations 2007* (Regulations), Regulations 2 and 7, a school must not be established or conducted for the purpose of profit or gain if it:

- was registered on or after 1 July 2007 or
- was registered before 1 July 2007 and, on or after 1 July 2007, the registration of the school is amended by the VRQA to include an additional campus or year level.

How to use this attestation

Complete this attestation if the school is applying to:

- register for the first time or
- (if the school was registered before 1 July 2007) amend its registration by including an additional campus or year level. For further information, email the Victorian Registration and Qualifications Authority, vrqa@edumail.vic.gov.au.

Definitions

Unless otherwise stated, words and phrases in this appendix have the following meaning:

'Conduct' of a school includes:

- fund-raising activities conducted solely for the school
- the provision of goods and services and other matters or things to students attending the school
- the provision of other educational or similar services.

'Entity' includes a trust.

'Prohibited Agreement or Arrangement' means an agreement or arrangement that is made with an Entity that carries on business for profit or gain where:

- the purpose of the agreement or arrangement is to pay or divert any profit or gain made in the conduct of the school to that entity or any other entity (other than a payment made in good faith for goods provided or services rendered to the school)
- the agreement or arrangement:
 - involves a payment by the school or the proprietor of the school for a purpose where the payment is excessive compared to the charges, fees, rates or costs for the time being prevailing in the community for payment for that purpose (other than a payment made in good faith for that purpose)
 - involves a gift, loan or similar payment by the school or the proprietor of the school (other than deposits made to a bank in connection with the conduct of the school)
 - involves a payment by the school or the proprietor of the school that is not a payment made in good faith for goods provided or services rendered to the school.

'Proprietor' (in relation to a school), includes the governing body of the school.

About the school

Complete the school's details below.

The school's full name

The school's ABN

The reason for this application

This is a new school.

The school is amending its registration status.

About the school's not-for-profit status

Answer ALL the following questions by crossing the correct box :Y stands for yes and N for no

1. Is the school established for the purpose of profit or gain?

Answer 'No' if the school is not established for the purpose of profit or gain as that concept is explained in this Guide and the Regulations. The constitution or governing documents of the school must specify that its assets and income be applied solely toward the conduct of the school.

Y N

2. Does the proprietor of the school conduct the school for the purposes of profit or gain?

Answer 'No' if the proprietor of the school does not conduct the school for the purpose of profit or gain.

A proprietor of a school is not to be taken to conduct the school for the purpose of profit or gain if the proprietor makes a financial surplus in the course of the proper administration of the school.

Y N

3. Is any part of the profit or gain made in the conduct of the school distributed to any Entity?

Answer 'No' if no part of the profit or gain made in the conduct of the school is or may be distributed to any entity.

A proprietor of a school is not to be taken to conduct the school for the purpose of profit or gain if the proprietor makes a financial surplus in the course of the proper administration of the school.

Y N

4. Is any money and property received by the school or the proprietor of the school for the conduct of the school NOT applied solely towards the conduct of the school?

Answer 'No' if all money and property received by the school or the proprietor of the school for the conduct of the school is applied solely towards the conduct of the school.

Y N

5. Is the proprietor of the school a party to a Prohibited Agreement or Arrangement?

See Appendix 3 on page 23 for the definition of a 'Prohibited Agreement or Arrangement'.

Y N

About the school

6. If the school is a non-government school, on the closure of the school are any surplus assets of the school remaining after payment of the school's liabilities

NOT required by the constitution or rules governing the school to be:

- used by the proprietor of the school for providing education services to school-age children or for other not-for-profit purposes

or

- given to a not-for-profit entity operating within Australia that provides education services to school children or that has similar purposes to the proprietor?

Y N

Answer 'No' if the school is a non-government school, and on closure of the school, any surplus assets of the school remaining after payment of the school's liabilities are required by the constitution or rules governing the school to be:

- used by the proprietor of the school for providing education services to school-age children or for other not-for-profit purposes

or

- given to a not-for-profit entity operating within Australia that provides education services to school children or that has similar purposes to the proprietor.

7. Did you answer 'No' to questions 1-6?

By answering 'Yes' to this question, you are confirming that the school for which you are completing this attestation complies with the not-for-profit requirements of the Regulations. If you answer 'No', it means your school does not comply with the not-for-profit requirements.

Y N

Please complete the declaration on the next page.

School's not-for-profit status attestation statutory declaration

Date and sign the following statutory declaration.

I, (name)

(Full name of declarant)

of

(Address of declarant)

do solemnly and sincerely declare that I acknowledge that the contents of this document are true and correct and I make it in the belief that a person making a false declaration is liable to penalties of perjury.

Declared at

(Location of signing)

In the State of Victoria

this

day of

20

(Day, month, year)

I hereby confirm that the contents of this document are true and correct in every particular.

X

(Signature of declarant)

before me X

(Signature and authority of authorised witness*)

I hereby confirm that the board / committee / trustee of the school authorises the declarant to make this statutory declaration and attach a copy of that authority.

X

(Signature of person authorised by
the school's board / committee / trustee)

(Authorised person's office)

Authorised persons

Under the *Evidence (Miscellaneous Provisions) Act 1958*, this statutory declaration can be signed by any one of:

- a justice of the peace or a bail justice
- a public notary
- an Australian lawyer (within the meaning of the *Legal Profession Act 2004*)
- a clerk to an Australian lawyer
- the prothonotary or a deputy prothonotary of the Supreme Court, the registrar or a deputy registrar of the County Court, the principal registrar of the Magistrates' Court or a registrar or deputy registrar of the Magistrates' Court
- the registrar of probates or an assistant registrar of probates
- the associate to a judge of the Supreme Court or of the County Court
- the associate of an Associate Judge of the Supreme Court or of an associate judge of the County Court
- a person registered as a patent attorney under Chapter 20 of the *Patents Act 1990* of the Commonwealth
- a member of the police force
- the sheriff or a deputy sheriff
- a member or former member of either House of the Parliament of Victoria
- a member or former member of either House of the Parliament of the Commonwealth
- a councillor of a municipality
- a senior officer of a Council as defined in the *Local Government Act 1989*
- a medical practitioner registered under the *Health Professions Registration Act 2005*
- a dentist registered under the *Health Professions Registration Act 2005*
- a veterinary practitioner
- a pharmacist
- a principal in the teaching service
- the manager of an authorised deposit-taking institution
- a member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants or the National Institute of Accountants
- the secretary of a building society
- a minister of religion authorised to celebrate marriages
- a person employed under Part 3 of the *Public Administration Act 2004* with a classification that is prescribed as a classification to which this section applies or who holds office in a statutory authority with such a classification
- a fellow of the Institute of Legal Executives (Victoria).