

School Education Act 1999

Standards for Non-Government Schools

**Determined by the Minister for Education and Training in accordance with
section 159 of the School Education Act 1999**

The following standards and definitions are to take effect on and from 1 July 2018.

Bolded terms are defined.

STANDARD 1: CURRICULUM

1.1 Curriculum for students in the **final year of their early education period**, known as Pre-Kindergarten, and in their **pre-compulsory education period**, known as Kindergarten, is consistent with the principles, practices and learning outcomes of *Belonging, Being and Becoming - The Early Years Learning Framework*.

1.2 Curriculum for students in the first to eleventh years of their **compulsory education period**, known as Pre-Primary to Year 10 inclusive, is:

- (a) approved, accredited or recognised by the School Curriculum and Standards Authority;
or
- (b) a programme of study meeting the needs of the student delivered through an Individual Education Plan.

1.3 Curriculum for students in the twelfth and thirteenth years of their **compulsory education period** or above as permitted by law, known as Years 11 and 12:

- (a) enables all students to achieve a Western Australian Certificate of Education (WACE) or Cambridge International A Levels or International Baccalaureate Diploma or another qualification approved by the **Director General**; and/or
- (b) provides a programme of study meeting the needs of an individual student delivered through an Individual Education Plan.

STANDARD 2: STAFF TO STUDENT RATIOS

2.1 In classes for students in their **compulsory education period**, staff to student ratios are sufficient to provide a satisfactory standard of education and care to each of the students enrolled or to be enrolled.

2.2 In classes for or including students in the **final year of their early education period** and/or in their **pre-compulsory education period**, unless otherwise approved by the **Director General** and subject to standard 4.2(a):

- (a) the staff to student ratio is one staff member, working directly with the students, to a maximum of 10 students. Staff may take breaks of up to 30 minutes per day 'off the floor'. Throughout the break the staff must remain on the school premises and be immediately available to assist if required. In planning staff breaks, adequate supervision must be maintained at all times and the overarching consideration must be the needs of the children;

- (b) at least one **early childhood teacher** is present for every 30 students or fewer; and
- (c) an **early childhood teacher** is in attendance at all times that students are present.

STANDARD 3: DAYS AND HOURS OF INSTRUCTION

3.1 Unless otherwise approved by the **Director General** and subject to standard 3.2, the school provides at least the **minimum hours of instruction** prescribed for government schools.

3.2 For students in the **final year of their early education period**, known as Pre-Kindergarten, the hours of instruction in each school week do not exceed 25 hours and 50 minutes.

STANDARD 4: STAFF

4.1 The school ensures all staff and volunteers are compliant with the requirements of the *Working with Children (Criminal Record Checking) Act 2004*, *Working with Children (Criminal Record Checking) Regulations 2005*, *Teacher Registration Act 2012* and *Teacher Registration (General) Regulations 2012*.

4.2 In each class for or including students in the **final year of their early education period** and/or in their **pre-compulsory education period**, unless otherwise approved by the **Director General**:

- (a) each teacher is an **early childhood teacher**. In the event of the absence of an **early childhood teacher**:
 - (i) if the absence totals no more than 60 days in a school year or is due to the teacher's resignation, his or her place may be filled by a primary-qualified teacher for the remainder of the school year;
 - (ii) in all other cases, the teacher's place must be filled by an **early childhood teacher**;
- (b) at least 50% of the staff required to meet the staff to student ratio hold, or are actively working towards, at least an approved Diploma level education and care qualification (the teacher or teachers can be included in this 50%) and all other staff required to meet the ratio hold, or are actively working towards, at least an approved Certificate III level education and care qualification;
- (c) there are staff on the premises with the following: a current approved first aid qualification; current approved anaphylaxis management training; and current approved emergency asthma management training; and
- (d) a record is kept of the person responsible for each class at any time and who was working with the students at any time.

4.3 The school implements a **Staff Code of Conduct** for all staff, including boarding staff if relevant, which:

- (a) includes guidelines on how to comply with it;
- (b) clearly delineates the boundaries between appropriate and inappropriate interactions between students and adults; and

(c) requires all staff to report objectively observable behaviour which is not permitted by the Code, other than those subject to mandatory reporting obligations, to the Principal, a designated senior staff member or the chair of the school's governing body.

4.4 The school provides all new staff, including new boarding staff if applicable, as soon as practicable following their appointment, an induction covering:

- (a) the Staff **Code of Conduct**;
- (b) staff obligations to report objectively observable behaviour which is not permitted by the Code;
- (c) the school's policies and procedures for the prevention, detection and reporting of suspected and actual **grooming** and sexual abuse;
- (d) the mandatory reporting obligations of teachers and boarding supervisors; and
- (e) all other school policies and procedures.

4.5 The school ensures all staff:

- (a) participate in regular performance management procedures and professional learning linked, where appropriate, to the Professional Standards for Teachers in Western Australia and to the school's processes for improving student learning; and
- (b) participate in professional learning covering the Staff **Code of Conduct**, their mandatory reporting obligations and all school policies and procedures at least biennially.

STANDARD 5: PREMISES

5.1 The premises are safe, well-maintained, sufficient and appropriate for the delivery of the curriculum to students in the year levels for which the school seeks registration or has been registered and for the number of students enrolled.

5.2 Unless otherwise approved by the **Director General**, premises built or commissioned since August 2012 for the delivery of educational programmes to students in the **final year of their early education period** and/or their **pre-compulsory education period** provide 3.25 square metres of unencumbered indoor space for each student and at least 7 square metres of unencumbered outdoor space for each student.

5.3 Where applicable, the premises used by and for boarding students are appropriate, safe, well-maintained and sufficient for the number accommodated.

STANDARD 6: FACILITIES

6.1 The facilities used by the school, including vehicles if any, are fit for purpose, safe, hygienic, well-maintained, sufficient and appropriate for the delivery of the curriculum to students in the year levels for which the school seeks registration or has been registered and for the number of students intended to use them.

6.2 The school provides such **ancillary support** as is necessary to ensure equity of access to educational programmes for all students enrolled.

STANDARD 7: THE NUMBER OF CHILDREN IN EACH YEAR LEVEL

7.1 The number of students in each year level is sufficient to sustain delivery of the approved curriculum and provide the necessary **ancillary support**.

STANDARD 8: THE ENROLMENT AND ATTENDANCE PROCEDURES

8.1 Student enrolment and attendance procedures and practices comply with all legal requirements including the prohibition of **unlawful discrimination**.

8.2 A CARE school documents and retains on record the basis for each decision that a student enrolled was or is at **educational risk**.

STANDARD 9: CRITICAL AND EMERGENCY INCIDENTS

9.1 The school has and implements a **critical and emergency incidents** policy and procedures which:

- (a) define **critical and emergency incidents** consistently with these standards;
- (b) require all **critical and emergency incidents** to be reported and documented;
- (c) enable and require the Principal to notify the governing body of all **critical and emergency incidents**;
- (d) enable and require **critical and emergency incidents** to be managed in such a way as to give highest priority to the best interests of the student or students affected.

9.2 The governing body ensures the **Director General** is notified as soon as practicable, and in any event within 48 hours of the incident, using the Critical and Emergency Incident Report form available at <http://www.des.wa.gov.au>

STANDARD 10: BOARDING

10.1 Staff employed to supervise the boarders are competent, fit and proper persons, qualified to manage their care, welfare and needs and compliant with the Working with Children (Criminal Record Checking) Act 2004.

10.2 The school maintains open and effective communication with the parents and guardians of boarders.

10.3 The boarders receive a well-balanced and nutritious diet.

STANDARD 11: COMPLAINTS

11.1 The school has and implements policies and procedures for receiving and handling complaints, including complaints from students, which are child-friendly, publicised and readily accessible to all members of the school community.

11.2 Complaints are handled promptly, objectively, fairly and confidentially, remedies are provided when complaints are upheld and there is a system for review.

11.3 Reports, complaints and allegations are recorded in such a way as to enable the detection of any patterns emerging over time.

11.4 Complaints from former students and/or their parents or guardians are accepted and dealt with in accordance with this standard despite enrolment of the student having ceased.

STANDARD 12: PREVENTING AND RESPONDING TO CHILD ABUSE

12.1 The school implements policies, procedures, practices and strategies for the prevention of **grooming** and **child abuse**, including for boarding facilities if applicable, which are informed by an authoritative and context-appropriate child-safe organisation framework, approved by the governing body, reviewed annually and updated in light of experience and relevant research, including at least:

- (a) arrangement of all premises and implementation of policies and procedures to deter inappropriate interactions and facilitate detection;
- (b) staff recruitment practices which:
 - engage only those who are suitable to work with students; and
 - make every attempt to assess commitment to the **Staff Code of Conduct** on the part of applicants;
- (c) annual professional learning for all staff on the recognition of **grooming** and **child abuse** and appropriate prevention practices and strategies;
- (d) delivery to all students of a developmentally appropriate protective behaviours curriculum, developed by experts in **child abuse** prevention, and covering what the boundaries are between appropriate and inappropriate interactions and when, how and whom to tell when a boundary is crossed;
- (e) a **code of conduct** for students which sets out minimum standards of conduct, prohibits bullying, harassment and other forms of peer-to-peer abuse and requires respect for the privacy and human dignity of other students and boarders where relevant; and
- (f) provision of information to parents and guardians about the protective behaviours curriculum, the **Staff Code of Conduct**, the student **code of conduct** and when, how and whom to tell when they have concerns about **grooming**, **child abuse** or other behaviour which is not permitted by either code.

12.2 Procedures for the detection and reporting of **Staff Code of Conduct** breaches, **grooming** and **child abuse**, at the school or boarding facility if relevant, include at least the following requirements:

- (a) that staff must understand and comply with their mandatory reporting obligations;
- (b) in cases where a former student, or the parent or guardian of a former student, makes an allegation about child sexual abuse at the school occurring before 2009, the Department of Communities Child Protection Service is to be informed immediately;
- (c) that victimisation of staff, students, parents and guardians for making an allegation in accordance with the school's policy, is forbidden, including where the allegation is unfounded; and

- (d) that the governing body ensures that actual breaches of the **Staff Code of Conduct**, where there are reasonable grounds to suspect **grooming**, are reported to the **Director General** in accordance with standard 9.2.

12.3 The school responds appropriately to allegations of **Staff Code of Conduct** breaches, **grooming** and **child abuse** in the best interests of students and in accordance with a policy and procedure which at least requires that:

- (a) the governing body and Principal comply with their legal and professional obligations;
- (b) in the case of an allegation of **grooming** or **child abuse** by current or former staff, the **complainant** is informed about the services, including **advocacy and support services**, which may be available; and
- (c) consultation is undertaken with the relevant government authorities to determine when, what and by whom information related to an allegation of **child abuse** and its investigation may be given to the person against whom the allegation is made, the **complainant** and his or her parents/guardian, other affected students and their parents and guardians, and the wider school community.

STANDARD 13: FINANCIAL RESOURCES

13.1 The school is financially viable.

13.2 The school's financial resources are sufficient to enable it to deliver its curriculum or curriculums for the number of students enrolled in the year levels for which the school is or seeks to be registered and to provide necessary **ancillary support**.

STANDARD 14: MANAGEMENT OF STUDENTS' BEHAVIOUR

14.1 All students receive positive guidance and encouragement towards acceptable behaviour and are given opportunities to interact and develop respectful and positive relationships with each other and with staff members and volunteers.

14.2 The use of any form of **child abuse**, **corporal punishment** or other **degrading punishment** is explicitly forbidden, and these terms are defined in accordance with these standards, in appropriate school publications and the **Staff Code of Conduct**.

14.3 The administration of permitted forms of behaviour management, discipline or punishment conforms to the principles of procedural fairness and the prohibition of **unlawful discrimination**.

STANDARD 15: MINIMUM AGE OF ENROLMENT

15.1 Unless the **Director General** provides approval in advance, the school does not permit any child to be enrolled at the school before the **final year of their early education period** and the child has turned 3 years of age.

15.2 A **CARE school** does not permit any child to be enrolled before the eighth year of their **compulsory education period**.

STANDARD 16: DELIVERY OF THE CURRICULUM

16.1 The provision of educational programmes exclusively by means of **online-only learning** is restricted to students who are **geographically isolated**, temporarily living or travelling overseas, participating in elite performance in sport or the arts, or unable to attend at a school due to illness, bail conditions or another special circumstance acceptable to the **Director General**.

STANDARD 17: NUMBERS OF CHILDREN ENROLLED

17.1 The total number of students enrolled in a **CARE school** does not exceed the number whose needs and safety can be effectively catered for and protected within the financial and other resources of the school.

DEFINITIONS

Advocacy and support services

Advocacy and support services are those which act alongside, or on behalf of, victims and survivors of child sexual abuse to support their rights and interests while providing tangible and practical support.

Ancillary support

Support which ensures equity of access to educational programmes for all enrolled students. The nature of this support will be determined by the needs of those students. It may include, for example:

- extension programs for Gifted and Talented students;
- assistive technologies;
- counselling.

CARE school

A school established and registered solely for the education of students at **educational risk**.

Child abuse

Four forms of child abuse are covered by WA law:

- 1) Physical abuse occurs when a child is severely and/or persistently hurt or injured by an adult or a child's caregiver.
- 2) Sexual abuse, in relation to a child, includes sexual behaviour in circumstances where:
 - a) the child is the subject of bribery, coercion, a threat, exploitation or violence;
 - b) the child has less power than another person involved in the behaviour; or
 - c) there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.
- 3) Emotional abuse includes:
 - a) psychological abuse; and

- b) being exposed to an act of family and domestic violence.
- 4) Neglect includes failure by a child's parents to provide, arrange or allow the provision of:
- a) adequate care for the child; or
 - b) effective medical, therapeutic or remedial treatment for the child.

Code of conduct

A code of conduct promotes positive work practices and establishes expectations for personal and professional boundaries concerning appropriate and inappropriate behaviour in relation to staff, students, volunteers, parents and guardians. It provides guidance about behaviour, relationships, attitudes and responsibilities and outlines the process that will be followed if the code is not observed.

Complainant

For the purposes of standard 12.3, the complainant is the student or former student against whom the alleged **grooming** or **child abuse** is claimed to have been committed.

Compulsory education period

A child's compulsory education period is from the beginning of the year in which the child reaches the age of 5 years and 6 months until either the end of the year in which the child reaches the age of 17 years and 6 months or the day on which the child reaches the age of 18, whichever happens first (*School Education Act 1999*, section 6).

Corporal punishment

Any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light; typically involving hitting the child with the hand or with an implement; can also include, for example, forcing the child to stay in an uncomfortable position. It does not include the use of reasonable physical restraint to protect the child or others from harm: from UN Committee on the Rights of the Child, General Comment No. 8 (2006), paragraphs 11 and 15: CRC/C/GC/8, 2 March 2007.

Critical and emergency incidents

- Death, or life-threatening injury, of a student or staff member at school, or following an incident that occurred at the school, or through a related school-based activity or circumstance;
- Circumstances that pose a critical risk to the health or safety of one or more students or staff;
- Receipt of an allegation of **child abuse**, including but not limited to sexual abuse, committed against a student by a staff member or student, or another person on the school premises or during school-related activities, whether the abuse is alleged to have occurred recently or in the past;
- Issuing a formal warning to a staff member or ceasing the employment of a staff member for a breach of the Staff **Code of Conduct** suspected to be **grooming** behaviour;
- Any incident requiring school closure, lockdown, or a reduction in the number of students or staff attending.

A circumstance posing a “critical risk” for the purposes of this definition is one which would, if action had not been taken or the risk otherwise averted, have resulted in death, life-threatening illness or life-threatening injury to one or more students and/or staff.

Degrading punishment

Any punishment which is incompatible with respect for human dignity, including **corporal punishment** and non-physical punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child (from UN Committee on the Rights of the Child, General Comment No. 8 (2006), paragraphs 11 and 16: CRC/C/GC/8, 2 March 2007).

Director General

The Director General is the chief executive officer of the Department of Education.

Early childhood teaching qualification

The qualification must be both—

- (a) accepted as an early childhood teaching qualification by the Australian Children’s Education and Care Quality Authority (ACECQA), either as listed on its website or on the basis of an individual assessment; and
- (b) accepted by the Teacher Registration Board of Western Australia (TRBWA) for registration in any category in Western Australia.

Early childhood teacher

An early childhood teacher either holds an **early childhood teaching qualification** or has, in the opinion of the school principal, sufficient experience as an early childhood teacher.

Educational risk

A student is at educational risk if he or she is of compulsory school age but unable, for one or more reasons such as the following, to participate in mainstream schooling:

- is disengaged from school or vocational education and training as evidenced by persistent non-attendance or a failure or refusal to enrol;
- experiences learning disadvantages or difficulties which cannot be effectively catered for at a reasonably local mainstream school;
- is affected by life risk factors such as domestic violence, abuse, homelessness, transience, addiction, chronic ill-health or pregnancy;
- is subject to a Children’s Court order;
- is the subject of a Responsible Parenting Agreement covering school attendance; or
- is a persistent or serious juvenile offender.

Final year of their early education period

The final year of a child’s early education period is from the beginning of the year in which the child reaches the age of 3 years and 6 months until the end of that year. The early education period is defined in the *School Education Act 1999*, section 4.

Geographically isolated

A student is geographically isolated for the purposes of eligibility for enrolment in **online-only learning** if the student is unable to attend a school that meets his or her educational, cultural and/or spiritual needs because of distance or the unreasonable travel time which would be involved.

Grooming

The use of a variety of manipulative and controlling techniques with a vulnerable subject in order to establish trust or normalise sexually harmful behaviour with the overall aim of facilitating exploitation and/or prohibiting exposure.

Minimum hours of instruction

- (a) For kindergarten students, at least 11 hours during each week in which the school is open for instruction.
- (b) For pre-primary students, at least 25 hours and 50 minutes each week the school is open for instruction and not less than 4 hours and 10 minutes each day the school is open for instruction.
- (c) Notwithstanding paragraph (b), for pre-primary students in receipt of a curriculum recognised under section 9(1)(e)(v) of the School Curriculum and Standards Authority Act 1997, the hours of instruction are as directed by the Principal, but must be at least 15 hours per week.
- (d) For primary and secondary students, at least 25 hours and 50 minutes each week the school is open for instruction and not less than 4 hours and 10 minutes each day the school is open for instruction, unless otherwise approved by the **Director General**.

Online-only learning

The online provision of educational programmes where in-person contact between student and teacher and on-site attendance at a school either does not occur or is extremely limited.

Pre-compulsory education period

A child's pre-compulsory education period is from the beginning of the year in which the child reaches the age of 4 years and 6 months until the end of that year (*School Education Act 1999*, section 5).

Unlawful discrimination

Discrimination in education as defined in the *Equal Opportunity Act 1984* (WA), *Racial Discrimination Act 1975* (Cth), *Sex Discrimination Act 1984* (Cth), *Disability Discrimination Act 1992* (Cth) and *Age Discrimination Act 2004* (Cth).

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