

## Registration 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 take effect on and from 1 January 2020.

Underlined 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; and/or
  - (b) a programme of study meeting the needs of each student delivered through an Individual Education Plan.
- 1.3** Curriculum for students in the final two 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), Cambridge International A Levels, International Baccalaureate Diploma or another qualification approved by the Director General; and/or
  - (b) provides a programme of study meeting the needs of each 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 the Director General has provided prior approval 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 students; and
  - (b) at least one early childhood teacher is in attendance for every 30 students or fewer at all times that students are present.

### STANDARD 3: DAYS AND HOURS OF INSTRUCTION

- 3.1** Unless the Director General has provided prior approval and subject to standard 3.2, the school provides, for each year level from Kindergarten to and including Year 10, time for instruction which totals at least that prescribed for government schools.

- 3.2 For students in the first year of their compulsory education period, known as Pre-Primary, who are in receipt of an alternative curriculum, the hours of instruction are as directed by the Principal, but must be at least 15 hours per week.
- 3.3 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.
- 3.4 For students in the final two years of their compulsory education period, known as Years 11 and 12, the hours of instruction are as required by the School Curriculum and Standards Authority or other qualification-awarding authority.

#### **STANDARD 4: STAFF**

- 4.1 The school complies with the requirements of:
  - (a) the *Teacher Registration Act 2012* and *Teacher Registration (General) Regulations 2012*; and
  - (b) the *Working with Children (Criminal Record Checking) Act 2004* and *Working with Children (Criminal Record Checking) Regulations 2005*.
- 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 the Director General has provided prior approval:
  - (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; and
    - (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; and
  - (c) there are staff on the school premises, at all times these students are present, with the following:
    - (i) a current approved first aid qualification;
    - (ii) current approved anaphylaxis management training; and
    - (iii) current approved emergency asthma management training.
- 4.3 In each class for or including students in the final year of their early education period and/or in their pre-compulsory education period a contemporaneous record is kept of:
  - (a) the early childhood teacher or substitute teacher who was actually present at any time; and
  - (b) each other person or people working directly with the students at any time.
- 4.4 The school provides all new staff, including new boarding staff if applicable, as soon as practicable following their appointment, an induction covering at least:
  - (a) the Code of Conduct, including their obligations to report objectively observable behaviour which is not permitted by the Code of Conduct;
  - (b) the school's policies, procedures and practices that aim to ensure students' safety and wellbeing at school and during school-related activities; and
  - (c) the law with respect to mandatory reporting of child sexual abuse.

- 4.5 The school ensures all staff 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.

## **STANDARD 5: PREMISES AND FACILITIES**

- 5.1 The premises and facilities used by the school are fit for purpose, hygienic, safe, well-maintained, sufficient and appropriate for the provision of a satisfactory standard of education and satisfactory levels of care for all students and for the number of students enrolled.
- 5.2 Unless the Director General has provided prior approval, 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 boarding students are appropriate, safe, well-maintained and sufficient for the number accommodated.
- 5.4 The premises, including boarding premises where applicable, are so arranged, and their use so organised, as to effectively deter inappropriate interactions between students and staff, and between students, and to facilitate the detection of any such interactions which may occur.
- 5.5 The school provides such ancillary support as is necessary to ensure equity of access to educational programmes for all students enrolled.

## **STANDARD 6: ENROLMENT AND ATTENDANCE PROCEDURES**

- 6.1 Student enrolment and attendance procedures and practices comply with all legal requirements.
- 6.2 A CARE school documents and retains on record the basis for each decision that a student enrolled was or is at educational risk.

## **STANDARD 7: CRITICAL AND EMERGENCY INCIDENTS**

- 7.1 The school has and implements a critical and emergency incidents policy and procedures which:
- (a) include all reportable incidents as well as other critical and emergency incidents;
  - (b) enable and require incidents to be managed in such a way as to minimise trauma and distress to students and staff and damage to property and ensure the educational programme is maintained or resumed, while giving highest priority to the best interests of the student or students affected;
  - (c) require all incidents to be reported and documented, including as required by standard 7.2 when applicable; and
  - (d) enable and require the Principal to notify the governing body of all incidents.
- 7.2 The governing body ensures the Director General is notified of every reportable incident as soon as practicable, and in any event within 48 hours of the incident, using the form published by the Director General for this purpose.

## **STANDARD 8: BOARDING**

- 8.1 Supervisory staff employed in school boarding accommodation are competent, fit and proper persons, qualified to manage the care, welfare and needs of all boarding students.
- 8.2 The school maintains open and effective communication with the parents and guardians of boarders.
- 8.3 The boarders receive a well-balanced and nutritious diet.
- 8.4 The boarders are consulted on all matters affecting their accommodation, recreation, support services, code of conduct, safety and wellbeing.

#### **STANDARD 9: COMPLAINTS**

- 9.1 The school has and implements a complaint handling system which satisfies each of the key action areas of Principles 6 and 9 of the National Child Safe Organisation Principles.
- 9.2 The school's complaint handling system conforms to the rules of procedural fairness and includes a system for review.
- 9.3 The school publishes information to the school community about the role of the Director General in monitoring the school's compliance with these standards including but not limited to standards 9.1 and 9.2, and her authority to respond to instances of non-compliance.

#### **STANDARD 10: PREVENTING AND RESPONDING TO CHILD ABUSE**

- 10.1 The school implements the National Child Safe Organisation Principles.
- 10.2 The school regularly reviews its policies, procedures and practices that aim to ensure students' safety and wellbeing at school and during school-related activities in consultation with its students.
- 10.3 The school cooperates in the Multi-Agency Protocol for Education Options for Young People Charged with Harmful Sexual Behaviours and implements a risk assessment and management plan for any such young person enrolled at the school.
- 10.4 The school implements a Code of Conduct for all staff, governing body members, practicum students and volunteers, and boarding staff if relevant, which:
  - (a) is consistent with the Example Code of Conduct and the National Child Safe Organisation Principles;
  - (b) requires them to report objectively observable behaviour which breaches or is suspected of breaching the Code of Conduct, 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; and
  - (c) assures their protection from victimisation or other adverse consequences if they make such reports in good faith.
- 10.5 All staff, governing body members and regular volunteers participate in learning opportunities at least annually about the law with respect to mandatory reporting of child sexual abuse and the school's policies, procedures and practices that aim to ensure students' safety and wellbeing at school and during school-related activities, including the creation and maintenance of child-safe physical and online environments.
- 10.6 All students receive a protective behaviours and sexual abuse prevention education which:
  - (a) is developed by experts in child abuse prevention;

- (b) is age and developmental-stage appropriate;
- (c) is culturally-appropriate;
- (d) is integrated into the curriculum of the school and makes relevant subject-matter links;
- (e) includes e-safety education; and
- (f) builds practical self-protective skills and strategies.

**10.7** The school, in consultation with its students, develops and regularly reviews a student code of conduct and guidelines on how to comply which:

- (a) sets out minimum standards of conduct;
- (b) prohibits bullying, harassment and other forms of peer-to-peer abuse; and
- (c) requires respect for the privacy and human dignity of other students, and boarders where relevant.

**10.8** Parents and guardians receive information about the protective behaviours curriculum, the 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.

**10.9** The school's records of complaints, allegations and findings related to grooming and child abuse, whether involving former or current staff or students:

- (a) contain as much detail as possible;
- (b) are stored securely; and
- (c) are not destroyed without the approval of the Director General or, where their retention becomes impracticable or unduly onerous, are forwarded to the Director General with her permission for retention in accordance with the *State Records Act 2000*.

**10.10** The school responds appropriately to complaints and allegations of grooming, child abuse and breaches of the Code of Conduct or student code of conduct in the best interests of students and in accordance with policies and procedures which at least require that:

- (a) the complainant is informed about the services, including advocacy and support services, which may be available; and
- (b) the matter is reported promptly to the responsible government authorities and their direction is sought and complied with as to when, what and by whom information related to the matter and its investigation may be given to the person against whom the complaint or 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 11: FINANCIAL RESOURCES**

**11.1** The school is financially viable.

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

## **STANDARD 12: MANAGEMENT OF STUDENTS' BEHAVIOUR**

- 12.1** 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.
- 12.2** The school explicitly forbids the use of any form of child abuse, corporal punishment or other degrading punishment as defined and provides clear guidance to all members of the school community about what forms of behaviour management, discipline or punishment are permitted.
- 12.3** The administration of permitted forms of behaviour management, discipline or punishment conforms to the rules of procedural fairness and non-discrimination.

### **STANDARD 13: MINIMUM AGE OF ENROLMENT**

- 13.1** Unless the Director General provides prior approval, 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.
- 13.2** A CARE school does not permit any student to be enrolled before the eighth year of their compulsory education period.

### **STANDARD 14: DELIVERY OF THE CURRICULUM**

- 14.1** The provision of educational programmes exclusively by means of online-only learning is restricted to students who are:
- (a) geographically isolated;
  - (b) temporarily living or travelling interstate or overseas;
  - (c) participating in elite performance in sport or the arts; or
  - (d) unable to attend at a school due to:
    - (i) diagnosed physical or mental illness or disability;
    - (ii) bail conditions; or
    - (iii) another special circumstance acceptable to the Director General.

### **STANDARD 15: NUMBERS OF CHILDREN ENROLLED**

- 15.1** 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**

### **Actively working towards**

For the purpose of standard 4.2, a staff member is actively working towards a qualification if he or she is:

- (a) currently enrolled;
- (b) making satisfactory progress; and
- (c) meeting the requirements for maintaining enrolment.

In addition, actively working towards a Diploma requires that the staff member must –

- (a) already hold an approved Certificate III;
- (b) have completed the requisite number of units in the Diploma course for award of a Certificate III; or
- (c) have completed at least 30% of an early childhood teaching qualification.

### **Advocacy and support services**

For the purpose of standard 10.10, advocacy and support services are those which act alongside, or on behalf of, victims and survivors of grooming or child abuse, to support their rights and interests while providing tangible and practical support.

### **Alternative curriculum**

For the purpose of standard 3.2, an alternative curriculum is one, other than the Western Australian Curriculum, which is recognised by the School Curriculum and Standards Authority for delivery and assessment in a named school. Recognition is in accordance with section 9(1)(e) of the *School Curriculum and Standards Authority Act 1997*.

### **Ancillary support**

For the purpose of standards 5.5 and 11.2, ancillary support is that which ensures equity of access to educational programmes for all enrolled students. The nature of this support will be determined by the needs of individual students. It may include, for example:

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

### **Approved**

For the purpose of standard 4.2 and associated definitions, an approved qualification or approved training means approved by the Australian Children's Education and Care Quality Authority.

### **CARE school**

A CARE school is one established and registered solely for the education of students at educational risk.

### **Child abuse**

Four forms of child abuse are covered by WA law and defined by the Department of Communities.

- 1) Physical abuse occurs when a child is severely and/or persistently hurt or injured by an adult or caregiver.
- 2) Sexual abuse occurs when a child is exposed to, or involved in, sexual activity that is inappropriate to the child's age and developmental level, and 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 is when children do not receive adequate food or shelter, medical treatment, supervision, care or nurturance to such an extent that their development is damaged or they are injured. Neglect may be acute, episodic or chronic.

### **Complainant**

For the purpose of standard 10.10, the complainant is the student or former student against whom the alleged grooming or child abuse is claimed to have been committed.

### **Complaint**

An expression of dissatisfaction made to the school about its services, decisions or actions, or those of its staff, or about the complaint management process itself.

### **Compulsory education period**

A student's compulsory education period is from the beginning of the year in which the student reaches the age of 5 years and 6 months until either the end of the year in which he or she reaches the age of 17 years and 6 months or the day on which he or she reaches the age of 18 years, 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 (UN Committee on the Rights of the Child, General Comment No. 8 (2006), paragraphs 11 and 15: CRC/C/GC/8, 2 March 2007).

### **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 (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 appointed in accordance with section 151 of the *School Education Act 1999*; currently the Director General, Department of Education.

### **Early childhood teaching qualification**

The qualification must be both —

- (a) approved 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 WA.

### **Early childhood teacher**

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

### **Educational risk**

For the purpose of standard 6.2, 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:

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

### **Emotional abuse**



Emotional abuse occurs when an adult harms a child's development by repeatedly treating and speaking to a child in ways that damage the child's ability to feel and express their feelings.

### **Example Code of Conduct**

The Example Child Safe Code of Conduct has been published by the Australian Human Rights Commission and is consistent with the National Child Safe Organisation Principles. Refer to <https://chilsafe.humanrights.gov.au/>

### **First year of their compulsory education period**

The first year of a student's compulsory education period is from the beginning of the year in which he or she reaches the age of 5 years and 6 months until the end of that year (*School Education Act 1999*, section 6).

### **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. During this period the child may or may not be enrolled in a school (*School Education Act 1999*, section 4).

### **Geographically isolated**

For the purpose of standard 14.1, a student is geographically isolated so as to be eligible for enrolment in online-only learning if the student is unable to attend a school that provides the year level of education or the learning support or extension programmes the student requires, or that meets the student's 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 avoiding exposure.

### **Individual Education Plan**

An Individual Education Plan sets out a student's individual learning goals, support needs and services to be provided which:

- (a) is developed in consultation with the student and his or her parents/guardians;
- (b) contains sufficient information, milestones and detail to guide all staff working with the student;
- (c) may have an explicit focus on literacy and numeracy skills; social skills; emotional and behavioural regulation skills; health and wellbeing skills and/or physical skills;
- (d) records regular assessment and evaluation of student progress and achievement of identified outcomes and targets;
- (e) stipulates a commencement date, monitoring dates and review dates; and
- (f) is reviewed and revised at least twice each school year.

### **Multi-Agency Protocol for Education Options for Young People Charged with Harmful Sexual Behaviours**

The Multi-Agency Protocol, developed by the Department of Education for all education sectors in Western Australia, describes the process by which information about young people charged with harmful sexual behaviours is shared and managed by governing bodies and schools in accordance with sections 28A-C of the *Children and Community Services Act 2004*.

### **National Child Safe Organisation Principles**

The National Principles for Child Safe Organisations incorporate the ten standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse in December 2017 but cover all forms of child abuse. They were developed by the Australian

Human Rights Commission and endorsed by all members of the Council of Australian Governments (COAG) in February 2019. Refer to <https://childdsafe.humanrights.gov.au/>

### **Online-only learning**

For the purpose of standard 14.1, online-only learning is 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 he or she reaches the age of 4 years and 6 months until the end of that year (*School Education Act 1999*, section 5). During this period, a child may or may not be enrolled in a school.

### **Psychological abuse**

Repeatedly treating and speaking to a child in ways that damage the child's perceptions, memory, self esteem, moral development and intelligence. It is a form of emotional abuse.

### **Reportable incidents**

For the purpose of standard 7, the following are reportable incidents:

- 1) The death of a student or staff member at school or during a school-related activity, or following an incident at school or during school-related activity.
- 2) An incident involving injury, illness or trauma to a student or staff member at school or during a school-related activity requiring ambulance or hospital attendance.
- 3) An incident requiring a police or other emergency services response when a student appears to have been taken or removed, or goes missing and cannot be accounted for, from the school or from a school-related activity without proper authority.
- 4) An incident requiring the school to be locked down or to evacuate staff and students, or reduce the number of students or staff attending, or to close for any duration for health or safety reasons.
- 5) The receipt of a complaint or allegation of child abuse, including but not limited to sexual abuse, committed against a student –
  - (a) by a staff member or another student; or
  - (b) by another person on the school premises or during a school-related activity; whether the abuse is alleged to have occurred recently or in the past.
- 6) Issuing a formal warning to or ceasing the employment of a staff member for a breach of the Code of Conduct suspected to have involved grooming behaviour.

### **Rules of procedural fairness**

These rules require:

- (a) a hearing appropriate to the circumstances;
- (b) lack of bias;
- (c) evidence to support a decision; and
- (d) inquiry into matters in dispute.

### **Time for instruction**

For the purpose of standard 3.1, time for instruction is calculated by multiplying the following minimum weekly hours by the total number of days on which government schools are required to open for students in the course of the year:

- (a) for Kindergarten students, at least 11 hours; and
- (b) for students from Pre-Primary to and including Year 10, at least 25 hours and 50 minutes.

### **Unencumbered**

For the purpose of standard 5.2, unencumbered space refers to the space suitable for use by Pre-Kindergarten and/or Kindergarten students and in fact available for their use.

**Working directly**

For the purpose of standards 2.2 and 4.3, a person is working directly with the students in Pre-Kindergarten and/or Kindergarten when he or she is:

- (a) physically present with the students; and
- (b) directly engaged in providing education and care to them.