

### Guidelines for Non-Government School Funding 2023 (CARE Schools)

Issued by the Minister for Education and Training in accordance with  
the Non-Government Schools Funding Order 2023

#### PART 1 – GENERAL

##### 1. Application

These Guidelines apply to registered schools in funding category H.

##### 2. Definitions

**2.1** In these Guidelines, unless the context otherwise requires, terms used which have a defined meaning in the Act or in the Funding Order have the same meaning when used in these Guidelines.

**2.2** In these Guidelines, unless the context otherwise requires:

**Act** means the *School Education Act 1999* (WA);

**claimed**, in respect of a student, means the subject of an application for funding under clause 8(1) of the Funding Order by the student's eligible school;

**department** has the meaning set out in paragraph (a) of the definition of "department" in section 4 of the Act;

**face-to-face student** has the meaning set out in Guideline 6.1;

**Funding Order** means the Non-Government Schools Funding Order 2023;

**online distance learning student** has the meaning set out in Guideline 6.1;

**registration standards** mean the standards determined by the Minister in accordance with section 159(1) of the Act.

#### PART 2 – ELIGIBILITY OF GOVERNING BODIES

##### 3. Unincorporated governing body (clause 5(a) of the Funding Order)

In considering whether to approve the status of a governing body for the purposes of clause 5(a) of the Funding Order, the Minister will take into account:

- (a) whether the chief executive officer is satisfied as to the matters referred to in section 160(1)(a), (b) and (c) of the Act;
- (b) whether the chief executive officer is satisfied that the governing body will be accountable for the effective management of any funds received under the Funding Order for the purposes for which those funds are provided;
- (c) whether the governing body has a record of compliance with written and other laws applicable to and in respect of its registered school or schools and with the registration standards; and
- (d) any other matter the Minister considers relevant.

#### **4. Registered school conducted for profit (clause 5(b) of the Funding Order)**

- 4.1** Subject to Guideline 4.4, the Minister may at any time determine that a registered school is conducted for profit, for the purposes of clause 5(b) of the Funding Order, if in the Minister's opinion that is the case. The Minister may take into account any factor which the Minister considers relevant in making such a determination, including whether any of the following is the case for the registered school or its governing body:
- (a) any part of the governing body's assets (insofar as they relate to the registered school) or income (insofar as it is derived from the operation of the registered school) is used for any purpose other than the provision of school education;
  - (b) any payment is made by the registered school or governing body to a related entity or other person or body for property, goods or services:
    - (i) at more than reasonable market value, or
    - (ii) that are not required for the operation of the registered school, or
    - (iii) where that payment is in any other way unreasonable in the circumstances having regard to the fact that financial assistance is provided to, or for the benefit of, the school under the Funding Order;
  - (c) any payment is made by the registered school or governing body to a person in connection with the person's activities as a member of the governing body unless it is in reimbursement for a payment made by the person in connection with the operation of the registered school, reimbursement of the person's approved travel expenses for the purpose of attending meetings of the governing body or reasonable director's fees in accordance with the governing body's constitution;
  - (d) the governing body is an association under the *Associations Incorporation Act 2015* which has lost its not-for-profit status under that Act;
  - (e) the Commonwealth has made any determinations to the effect that, or otherwise accords treatment to the registered school on the basis that, the registered school or its governing body is conducted for profit; and
  - (f) the governing body is or would be ineligible for incorporation under the *Associations Incorporation Act 2015* by virtue of section 5 of that Act.
- 4.2** The Minister may decide in his or her absolute discretion whether director's fees paid or proposed to be paid to a governing body member are reasonable for the purposes of Guideline 4.1(c).
- 4.3** Subject to Guideline 4.4, the Minister may at any time determine that a registered school is ineligible for the purposes of clause 5(c) of the Funding Order if any circumstance of the kind referred to in section 185(2) of the Act exists for the registered school.
- 4.4** Before making a determination under Guideline 4.1 or Guideline 4.3, the Minister must:
- (a) notify the registered school's governing body of the Minister's intention to make such a determination;
  - (b) include in the Minister's notice reasonable details of the evidence on which the Minister's intention to make such a determination is based and, if relevant, any actions which the governing body may take in order to avert the Minister making such a determination;
  - (c) advise the governing body of a time (which must be not less than 30 days after the date of the Minister's notice) within which the governing body may respond to the Minister's notice to show cause why the Minister should not make the proposed determination and, if applicable, to demonstrate the extent to which the governing body has taken actions specified in the Minister's notice under Guideline 4.4(b); and
  - (d) take into account any response which the governing body provides to the Minister in accordance with Guideline 4.4(c).

## PART 3 – ELIGIBILITY OF STUDENTS

### 5. Approved citizenship, residency or visa status (clause 6(e) of the Funding Order)

- 5.1** A student satisfies the citizenship, residency or visa status requirement for the purposes of clause 6(e) of the Funding Order if he or she is:
- (a) an Australian citizen or Australian citizen by descent;
  - (b) participating, for at least six months, in the International Secondary Student Exchange Program in Western Australia;
  - (c) the dependant of a person receiving a full sponsorship or scholarship to one of the institutions mentioned in section 4(1) of the *Higher Education Funding Act 1988* (Cth), provided that the sponsorship or scholarship meets the full cost of the education component of the course;
  - (d) a person or a dependant of a person who is receiving a sponsorship or a scholarship from the Commonwealth; or
  - (e) a Student on a Visa as defined in Guideline 5.2.
- 5.2** A **Student on a Visa** is any student who holds (or is a dependant of a person who holds) a permanent, bridging or temporary visa, including a New Zealand citizen, and who is not categorised in Guideline 7.

### 6. Student attendance requirements (clause 6(f) of the Funding Order)

- 6.1** In this Guideline:
- (a) a **face-to-face student** is one who attends at an eligible school in person; and
  - (b) an **online distance learning student** is one whose educational programmes are provided by an eligible school using information and communication technologies (ICTs) where limited or no face-to-face contact or on-site attendance on the part of the student is involved.
- 6.2** A face-to-face student enrolled at a school in funding category H will meet the attendance requirements for eligibility if one of the following applies:
- (a) the student's record of attendance as documented in the school's attendance data report shows 20% attendance or more; or
  - (b) the student's record of attendance together with absences for each of which a reasonable and acceptable explanation has been provided to the school and documented shows 20% attendance or more.
- Where the student's record of attendance calculated in accordance with paragraph (a) or (b) is less than 20%, the rate of funding is calculated as per Guideline 10.3. Schools are encouraged to contact the department if the student has documented extenuating circumstances.
- 6.3** An online distance learning student enrolled at a school in funding category H will meet the attendance requirements for eligibility if one of the following applies:
- (a) the student's record of attendance as documented in the school's attendance data report shows 20% or more participation as required by his or her work plan; or
  - (b) the student's record of attendance together with absences for each of which a reasonable and acceptable explanation has been provided to the school and documented shows 20% or more participation as required by his or her work plan.
- Where the student's record of attendance calculated in accordance with paragraph (a) or (b) is less than 20%, the rate of funding is calculated as per Guideline 10.3. Schools are encouraged to contact the department if the student has documented extenuating circumstances.

**6.4** The following students do not meet attendance requirements, are not to be claimed and will not be the subject of a funding payment:

- (a) a student who has completed enrolment procedures but not yet attended the school;
- (b) a student who has left the school prior to the relevant quarterly attendance data report period; or
- (c) a student who normally attends another school but is 'temporarily' attending the school at the time of the census.

**6.5** Reasonable and acceptable absences are those where a justifiable explanation has been provided that plausibly prevents the student attending at school for the period of time stated. Where extenuating circumstances apply or extensive levels of absences exist, a commensurate level of documentation supporting the explanation, including those from external sources (e.g. medical reports), is required.

**6.6** The school must record all details when a parent or caregiver provides the school with a verbal reason, either in person or over the telephone, that supports the definition of a reasonable and acceptable explanation in Guideline 6.5 in the context of the school. This is in addition to any written confirmation that has been received (e.g. pre-arranged absences such as family holidays). Lengthy absences exceeding more than one whole school term will be considered on a case-by-case basis.

## **7. Ineligible students (clause 6 of the Funding Order)**

**7.1** For the sake of certainty, the following students will not be treated as eligible students:

- (a) a student receiving home education under section 48 of the Act;
- (b) a student on a visitor visa, applying for a visitor visa or on a visa valid for less than six months;
- (c) an exchange student who has completed formal school education in his or her country of citizenship or permanent residence;
- (d) a student enrolled in a registered school but participating only in one or more of the following (i.e. there is no school education component in their activity):
  - (i) an English as an Additional Language or Dialect (EALD) course;
  - (ii) a community based course prescribed under section 11B(1) of the Act, except for a school approved by the Minister as a grandfathered arrangement that is supervising the student's attendance and achievement;
  - (iii) a vocational education and training course or other tertiary studies;
  - (iv) an apprenticeship or a traineeship;
  - (v) other employment;
- (e) a student who has turned twenty-one (21) years of age before 1 January 2023;
- (f) a Full Fee-Paying Overseas Student as defined in Guideline 7.2; and
- (g) a student on a visa that prohibits the student's parents from working in Australia or, where not prohibited from working, the student's parents are on an ineligible visa, are not paid a salary or wage or are otherwise engaged in volunteer work only.

**7.2** A Full Fee-Paying Overseas Student (FFPOS) means a student who holds or is included in a visa that permits the visa-holder to travel to Australia for the purpose of undertaking a course provided by an educational establishment.

- (a) This means a student is reported as a FFPOS if he or she is on a visa that is specifically related to study or further training in Australia (or a bridging visa attached to a substantive visa application with those provisions). This does not include visas for the foreign affairs or defence sector.

- (b) If the substantive FFPOS visa has expired and the visa for which an application has been lodged is not a FFPOS visa, the student is then classified according to the bridging visa status as per Guideline 5.2.
- (c) Only a student who is the primary visa-holder, or the dependant of a primary visa holder, that is issued for the purposes of study or training is a FFPOS.
- (d) FFPOS visa subclasses include, but are not limited to, 407, 500, 570, 571, 572, 573, 574 and 575.

## **PART 4 - APPLICATIONS**

### **8. Funding applications (clause 7(1) of the Funding Order)**

- 8.1** Until otherwise notified by the chief executive officer, for the purposes of these Guidelines, each eligible school's quarterly attendance data report submitted to the department in accordance with Guideline 17 will be taken as an application from its governing body for that funding under the Funding Order which is payable based on that quarterly attendance data report.
- 8.2** Each quarterly attendance data report must be certified by:
  - (a) a Certification Officer appointed in accordance with Guideline 9.1 or 9.3;
  - (b) the governing body chair in accordance with Guideline 9.2; or
  - (c) the school principal acting as deputy in accordance with Guideline 9.3.
- 8.3** A quarterly attendance data report must be accompanied by a 'Nomination of Certification Officer' form as per Guideline 9.5, unless the form nominating the individual has been previously provided to the department.
- 8.4** The Certification Officer, governing body chair or principal as applicable, will certify that the students claimed in the quarterly attendance data report are eligible students in accordance with clause 6 of the Funding Order.

### **9. Certification Officers (clause 7(3) of the Funding Order)**

- 9.1** Except as provided in Guideline 9.3, the governing body of each eligible school is required to appoint one or more Certification Officers using the 'Nomination of Certification Officer' form in **Attachment A**.
- 9.2** A governing body referred to in Guideline 9.1 may authorise the chair of the governing body to deputise for the Certification Officer or Officers in the event of illness or other exceptional circumstance rendering the Certification Officer or Officers unavailable.
- 9.3** The governing body of a school system may delegate the responsibility for appointing a Certification Officer or Officers to the principal of a school in the school system for the purpose only of certifying that school's quarterly attendance data report or funding acquittal. The delegation may also authorise the principal to deputise for the Certification Officer or Officers in the event of illness or other exceptional circumstance rendering the Certification Officer or Officers unavailable.
- 9.4** In appointing Certification Officers, the governing body or principal as the case may be is to ensure that each appointee is a fit and proper person to participate in the operation of the school, its application for funding and its receipt of funding under the Funding Order.
- 9.5** The 'Nomination of Certification Officer' form at **Attachment A** must be completed and returned to the department in order to ensure the timely payment of funding.

## **PART 5 – CALCULATION AND PAYMENT OF PER CAPITA FUNDING**

### **10. Calculation of per capita amounts (clause 8 of the Funding Order)**

- 10.1** Per capita funding to which a governing body is entitled under clause 8(1) of the Funding Order is based on the number of eligible students of the school and each student's proportion of attendance as documented in the school's quarterly attendance data report.
- 10.2** The per capita funding payable in respect of a student referred to in Guideline 6.2(a), 6.2(b), 6.3(a) or 6.3(b) is 100% of the payment applicable to that student.
- 10.3** A reduced (pro-rata) rate of per capita funding will be payable in respect of a student referred to in Guideline 6.2 or 6.3 with a calculated attendance of less than 20%. The pro-rata rate of per capita funding will be equal to the student's percentage attendance rate (e.g. a student with an attendance rate of 10% would attract 10% of the full rate of funding).

### **11. Classifications of disability and high support needs (clauses 3, 10 and 11 of the Funding Order)**

- 11.1** In this Guideline a **recommendation** means a recommendation from:
- (a) the Executive Director of Catholic Education Western Australia with respect to a student enrolled in a Catholic system school;
  - (b) the Executive Director of the Association of Independent Schools of Western Australia, with respect to a student enrolled in an independent school; or
  - (c) such other person recognised by the chief executive officer for the purposes of this Guideline with respect to any eligible student,
- that the student be taken to meet the criteria for a mild, moderate or severe disability or for high support needs (as the case may be) which have been approved by the Minister.
- 11.2** An eligible student will be classified as:
- (a) having a mild, moderate or severe disability (and therefore as a special education student for the purposes of the Funding Order); or
  - (b) having high support needs (and therefore as a high support needs student for the purposes of the Funding Order),
- if the chief executive officer approves that classification for the eligible student.
- 11.3** The chief executive officer may approve an eligible student being classified as having a mild, moderate or severe disability or as having high support needs if:
- (a) the chief executive officer receives a recommendation that the eligible student has a mild, moderate or severe disability or high support needs;
  - (b) the chief executive officer is satisfied that the recommendation is properly based on:
    - (i) the documented consideration (including the disclosure of any perceived or actual conflict of interest) of a review panel with appropriate professional qualifications, and which is independent of the eligible student's school and parents; and
    - (ii) the applicable approved criteria,and the chief executive officer may require the provision to him or her of any document relevant to assessment of the eligible student prior to approving a classification for that eligible student.

### **12. Monthly payments (clause 15 of the Funding Order)**

In determining whether monthly payments are to apply for an eligible school in accordance with clause 15 of the Funding Order, the Minister will consider:

- (a) information contained in any notice given by the governing body in accordance with clause 22 of the Funding Order;

- (b) any failure on the part of the governing body to give a notice as required by clause 22 of the Funding Order;
- (c) any failure on the part of the governing body to give a notice as required by section 156B of the Act;
- (d) any failure on the part of the governing body to comply with a notice given under section 156C of the Act;
- (e) whether there are reasonable grounds to believe that the eligible school or schools concerned may become financially unviable;
- (f) whether there is reason to believe that the governing body has not been or will not be accountable for the effective management of the eligible school's financial resources in accordance, where relevant, with any purposes for which they were provided;
- (g) whether the registration of the eligible school or schools concerned, or one of them, is subject to a direction issued by the chief executive officer under section 166 of the Act; and
- (h) any other matter the Minister considers relevant.

### **13. Use of funding for school education (clause 17 of the Funding Order)**

Funding paid to a governing body under the Funding Order which is applied in whole or part to any one or more of the following will be considered to be or have been applied for the purposes of **school education**:

- (a) observing the standards determined by the Minister under section 159(1) of the Act;
- (b) satisfying the other requirements for registration in section 160(1) of the Act;
- (c) complying with one or more orders or notices issued by the Minister or chief executive officer under Part 4 of the Act including a quality improvement notice, condition or direction; or
- (d) preparing and pursuing an application for review under section 168 of the Act.

### **14. Authorisation of a governing body (clause 18(2) of the Funding Order)**

**14.1** In determining whether to authorise a governing body under clause 18(2) of the Funding Order, the Minister may take into account:

- (a) whether the governing body has in place a needs-based school funding model which is compliant with Guideline 14.2 and is otherwise suitable in the Minister's opinion;
- (b) whether the governing body's school system or the shared governing body and its schools (as the case may be) is or are recognised as a system by the Commonwealth;
- (c) whether the governing body of the school system or shared governing body (as the case may be) displays sound management practices, relevant expertise, financial literacy, accountability measures and business acumen;
- (d) whether the governing body of the school system or shared governing body (as the case may be) has previously been found to have failed to observe a standard determined under section 159(1)(m) of the Act;
- (e) whether at any time the chief executive officer has not been satisfied as to a matter referred to in section 160(1)(f) of the Act in respect of the governing body; and
- (f) any other information provided to the Minister in the governing body's application for authorisation and any other information which the Minister considers relevant.

**14.2** For the purposes of this Guideline, a **needs-based school funding model** must ensure that the total funds provided under the Funding Order to the governing body:

- (a) in respect of one or more students receiving a Special Education Supplementary Per Capita Grant or a High Support Needs Per Capita Grant are used to support the education of that student or those students, individually or collectively; and

- (b) in respect of students enrolled at a school in funding category H, are used to support the education of those students collectively,  
noting that total funds include the per capita grants in respect of each of the students to which paragraphs (a) and (b) refer.

**14.3** Where a governing body is authorised for the purposes of clause 18(2) of the Funding Order, it must publish on its website the amount of funding pursuant to the Order provided by it to each eligible school for which it receives funding.

## **15. Reporting – grant acquittal (clause 19 of the Funding Order)**

**15.1** A funding acquittal submitted by a governing body must be signed by the chair of the governing body, a nominated Certification Officer of the governing body and a **qualified person**. The qualified person is to be either a qualified accountant or registered auditor as defined by the *Corporations Act 2001* (Cth).

**15.2** A funding acquittal must show the grand total of all payments received by the governing body under the Funding Order and, if requested, the total amount of funding received by payment type as well as reasonable detail of the expenditure or commitment of the funding.

**15.3** By signing a funding acquittal, a signatory confirms that:

- (a) the funding acquittal is a true and accurate statement; and
- (b) the funding to which it refers has been applied for the purposes of school education.

## **16. Separate accounting (clause 20 of the Funding Order)**

In determining whether to require separate accounting for a registered school in accordance with clause 20 of the Funding Order, the chief executive officer will consider:

- (a) whether there is a separation between ownership and management or control of the school;
- (b) whether the governing body of the registered school is part of a group or network of related entities;
- (c) whether the nature of any financial interactions between a group or network of related entities necessitates a clear delineation of funds and record of transactions and service provision;
- (d) whether the chief executive officer is not satisfied that the governing body of the registered school has not been or will not be accountable for the effective management of the school's financial resources in accordance, where relevant, with any purposes for which they were provided;
- (e) whether the registration of the school is subject to a direction issued by the chief executive officer under section 166 of the Act; and
- (f) any other matter the chief executive officer considers relevant.

## **17. School records (clause 21 of the Funding Order)**

**17.1** In this Guideline, quarterly attendance data report means each report on eligible student numbers and attendance maintained by the school and submitted on the schedule at **Attachment B** as an application under Guideline 8 for funding under clause 8 of the Funding Order.

**17.2** Each eligible school in funding category H must complete a quarterly attendance data report in respect of the seven-week period concluding on each of 17 March 2023 (the March report), 9 June 2023 (the June report), 1 September 2023 (the September report) and 24 November 2023 (the November report).



- 17.3** Each quarterly attendance data report must document the actual attendance and absence information for each eligible student claimed by completing in full the template supplied to the eligible school by the chief executive officer.
- 17.4** Quarterly attendance data reports are to be submitted to the department as follows:
- (a) the March report by 31 March 2023;
  - (b) the June report by 23 June 2023;
  - (c) the September report by 15 September 2023; and
  - (d) the November report by 8 December 2023.
- 17.5** Records substantiating each quarterly attendance data report and any other funding applications must be retained for six years after the calendar year to which they pertain, and otherwise in accordance with the requirements of the Department's Grants Auditing Program as published or notified to registered schools by the chief executive officer from time to time.
- 17.6** Each eligible school must also retain, for the period specified in Guideline 17.5, copies of:
- (a) each student's or parent's visa information, documentation and assessment material used by the school to make the decision that a student satisfies the approved residency or visa requirement under Guideline 5;
  - (b) each student's attendance records and supporting documentation used by the school to make the decision that a student satisfies the attendance requirements under Guideline 6; and
  - (c) all documentation relevant to the classification of a student under Guideline 11.

**18. Grants Auditing Program (GAP) (clause 21 of the Funding Order)**

- 18.1** The Department's Grants Auditing Program (GAP) involves the verification of a school's declared student numbers and subsequent claim for funding under the Funding Order.
- 18.2** GAP audits involve the analysis of a school's enrolment and attendance data, as well other supporting documentation, and establish whether each student meets the funding requirements as specified in the Guidelines. The chief executive officer may periodically require reports and documentation from schools as part of this process; whether that be prior to an inspection or in order to validate a quarterly attendance data report or other funding application.
- 18.3** A *certificate of authority*, issued by the chief executive officer, is to be held by each authorised person carrying out an inspection.
- 18.4** Where a GAP audit results in a funding amendment being necessary, an adjustment to the school's future per capita funding payment will be implemented as per clause 14(1) of the Funding Order.

**19. Notices (clause 22 of the Funding Order)**

- 19.1** A notice required to be given to the Minister or chief executive officer under the Funding Order by a governing body is to be addressed to the Director General, Department of Education, 151 Royal Street, East Perth WA 6004 or forwarded by email to [NGSFunding@education.wa.edu.au](mailto:NGSFunding@education.wa.edu.au).
- 19.2.** A notice required to be given to a governing body under the Funding Order by the Minister is to be addressed to the chair of the governing body at the address most recently provided to the chief executive officer for the purpose of registering the governing body's school or schools under Part 4 of the Act.



Sue Ellery MLC  
Minister for Education and Training



DATE

### Nomination of Certification Officers

**School:** \_\_\_\_\_

The Governing Body<sup>1</sup> hereby appoints the following individual(s) to be its Certification Officer(s), to make State Government per capita funding claims, and acquit State Government funding received, on behalf of the school:

<i>Name</i>	<i>Position</i>	<i>Signature</i>

The Governing Body (or CEWA School Principal) and all nominees understand and agree that Certification Officers of the school:

- Are currently employed by, and have had their identity verified by, the school;
- Have the appropriate skills, knowledge and experience required to ensure that funding claims and acquittal of grants are appropriately made and meet requirements;
- Are authorised by the Governing Body (or CEWA School Principal) to make funding claims and acquit grants on behalf of the school; and
- Are responsible for all certifications made.

#### Chair of Governing Body (or CEWA School Principal)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Please email the completed form to [NGSFunding@education.wa.edu.au](mailto:NGSFunding@education.wa.edu.au)

<sup>1</sup>The Executive Director of Catholic Education Western Australia (CEWA) has delegated responsibility for the nomination of Certification Officers to CEWA schools' Principals.

**Department of Education WA**  
CARE Per Capita Attendance Data report  
Term X 2023 – **Date From** to **Date To**

School: *(Insert School Name)*

[illegible]

\* Allows for a student enrolling or ceasing enrolment within the reporting period to be claimed.