NSW Registered and Accredited Individual Non-government Schools Manual

NSW Education Standards Authority

February 2026

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Phone (02) 9367 8289
Fax (02) 9279 1482
Email copyright@nesa.nsw.edu.au

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Executive summary

The *NSW Registered and Accredited Individual Non-government Schools Manual* (the Manual) is a comprehensive guide for NSW registered and accredited individual non-government schools.

It sets out the:

- legal basis and responsibilities of the Minister for Education in NSW (the Minister), NSW Education Standards Authority (NESA), the NESA Board and its Registration and Accreditation Committee (the Committee) in relation to the registration and accreditation of non-government schools
- requirements for registration and the related evidence of compliance
- requirements for accreditation and the related evidence of compliance
- procedures for applying for registration and accreditation
- procedures for refusing, not renewing or cancelling a school's registration or accreditation
- processes for appealing certain decisions or recommendations.

Schools should read the Manual alongside:

- the *Education Act 1990* (NSW) (the Education Act)
- the *Teacher Accreditation Act 2004* (NSW) (the TA Act)
- NESA's Teacher Accreditation Manual and procedures
- NESA syllabuses
- NESA's Assessment Certification Examination (ACE) website
- NESA Official Notices.

The Education Act is amended from time to time. Registered and accredited schools must abide by the current version of the Education Act and all amendments.

Features of the Manual

Icons in the Manual draw attention to essential features and content.

Icon key	
	Identifies each Part of the Manual with its own contents.
	Information about each registration/accreditation requirement.
	Sets out the evidence of compliance for registered/accredited schools. This information applies to schools once they are registered/accredited. Schools seeking renewal of registration/accreditation should refer to this evidence for each requirement.
	Sets out the evidence of capacity to comply for an applicant seeking initial registration/accreditation. This information applies to: ▪ a school seeking registration/accreditation for the first time in order to operate ▪ schools with existing registration/accreditation wishing to add to their operation such as adding new Years of schooling.
	Summary of relevant legislation from the Education Act for a particular section.

For enquiries, email NESA's School Registration Unit at schoolrego@nesa.nsw.edu.au.

Part A: Introduction to registration and accreditation

Part A provides an introduction to registration and accreditation of individual non-government schools in NSW.

Section **A1** details the roles and responsibilities of NESA, the Minister, proprietors and schools under the Education Act.

A2 describes registration and **A3** describes accreditation.

Part B: Registration requirements

Part B details the registration requirements that must be met by schools under the Education Act.

Sections **B1** to **B9** set out the registration requirements and evidence to maintain for schools to demonstrate compliance with the requirements.

Schools with boarding facilities and schools offering distance education must meet additional requirements. These are set out in sections **B10** and **B11**.

Part C: Accreditation requirements

Part C details the accreditation requirements that must be met by schools if offering courses for the Record of School Achievement (RoSA) and/or Higher School Certificate (HSC) under the Education Act.

Sections **C1** to **C3** set out the accreditation requirements and evidence to maintain for schools to demonstrate compliance with the requirements.

Part D: Registration and accreditation processes

Part D explains the processes for applying for registration/accreditation and making notifications to NESA.

Section **D1** details the application procedures, including submitting applications through RANGS Online, and outlines how NESA processes and assesses applications.

Section **D2** details application processes and notifications about certain operational changes.

Section **D3** explains how NESA assesses schools' compliance with registration/accreditation requirements, including the actions it can take.

Section **D4** sets out how a school can appeal certain decisions or recommendations.

Part E: References

Part E summarises other legislation and provides useful references.

Section **E1** lists other laws and regulations that schools need to consider.

Section **E2** provides definitions and a glossary of relevant terms.

Part A: Introduction to registration and accreditation

Part A summary

Part A provides an introduction to registration and accreditation of individual non-government schools in NSW.

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A1 Legislated responsibilities

A1.1 The Education Act provides for non-government schools in NSW

The Education Act provides for the registration and accreditation of individual non-government schools and NESA's registration and accreditation processes.

The Education Act defines a registered non-government school as a school, other than a government school:

- whose major activity is to provide primary and/or secondary education and/or education of a kind or for children of a kind (see A2.2)
- that is responsible for an educational program based on NESA syllabuses (if registered only) or NESA syllabuses and assessment requirements (if registered and accredited).

A NSW non-government school is an institution that is registered to educate any or all of the Years of schooling: Kindergarten to Year 12.

Every person involved in administering a school and educating NSW school-aged children must consider the objectives of the Education Act.

NSW non-government schools:

- must be registered (see A2.1)
- must comply with the registration requirements
- may be accredited
- if accredited, must comply with the accreditation requirements.

A school does not include the following (although they may be located on school premises):

- preschools
- long day-care centres
- pre-primary classes in or attached to schools
- referral centres for short-term remediation
- tutoring schools
- senior technical colleges
- evening colleges
- institutions such as business or coaching colleges
- community language schools.

Education Act

section 6	Every person involved in administering the Education Act or educating school-aged children in NSW must consider its objectives.
part 7	Registration of non-government schools.
part 8	Accreditation of non-government schools.

A1.2 NESA's role in registration and accreditation

The *Education Standards Authority Act 2013* (the NESA Act) describes NESA's constitution, objectives and functions of authority.

NESA is a corporation with numerous powers and functions including to:

- provide advice and make recommendations to the Minister about registering non-government schools in NSW
- make decisions about granting accreditation to non-government schools that deliver courses and present candidates for the Record of School Achievement (RoSA) and/or Higher School Certificate (HSC).

The NESA Board oversees NESA's functions and provides strategic advice to the Minister.

NESA can:

- create committees to help perform its functions
- delegate its powers to a person or body, such as the Registration and Accreditation Committee (the Committee).

The NESA Board has delegated its registration and accreditation authority and functions for non-government schools to the Committee, which acts within NESA policies.

NESA is responsible for accrediting schools to deliver courses and present candidates for the RoSA and/or HSC.

NESA makes recommendations to the Minister about registration decisions, and recommendations to the NESA Chief Executive Officer (CEO) about accreditation decisions.

Making rules and guidelines

The NESA Act grants NESA the power to make rules, guidelines and conditions for school registration and accreditation. NESA's role is to oversee the regulatory and accountability requirements that schools must meet.

The Manual sets out the rules and regulatory and accountability requirements for non-government schools. They are the standards that schools must meet to be granted a licence to operate.

The Manual assists schools by stating the range of policies and procedures that need to be in place and implemented to demonstrate compliance with the Education Act.

For each requirement, NESA has developed an explanation and evidence of compliance. The Manual outlines the requirements for:

- registration in Part B
- accreditation in Part C.

NESA must publish its rules and guidelines through:

- the Manual
- NESA Official Notices
- the Assessment Certification Examination (ACE) website.

NESA requires school proprietors to notify NESA about changes to a school's operation and specifies the method and timeframe for notification (see B2.6).

Arranging for inspections

NESA can arrange for an Inspector to inspect a school:

- as part of the process of assessing an application for registration/accreditation
- outside of the school's registration renewal process
- to assess a notification of a change of operation
- if it has concerns that the school may not be complying with registration requirements.

Recognising a school as a Special School or Special Assistance School

Primary and secondary schools can be recognised as a Special School or Special Assistance School. Schools pursuing such recognition must seek approval as part of an application for initial or renewal of registration. The application process is described in D1.7.

Education Act

section 20A	NESA has functions under the Act in relation to the primary and secondary education of children.

A1.3 NESA's role in assuring school compliance

As the statutory regulatory authority, NESA needs to be assured that a non-government school meets the registration requirements of the Education Act so that it can make recommendations to the Minister.

NESA assists schools to understand their responsibilities and comply with the requirements through its educative, support and engagement activities.

When NESA considers a school's evidence of compliance, it recognises that schools vary in their philosophy, ethos and practice. NESA understands that school policies, procedures and evidence of implementation will reflect each school's context.

NESA's registration and accreditation process involves dialogue between schools and NESA personnel, specifically Inspectors. Inspectors have a statutory role under the NESA Act and carry out inspections of educational premises. Inspectors must have a NESA-issued photo identification card.

Inspectors seek wherever possible to be satisfied of a school's compliance based on the effective implementation of the school's own processes for assuring compliance. Inspectors assess evidence that demonstrates whether schools are complying with the registration and if applicable, accreditation requirements.

In carrying out its responsibilities, NESA:

- is committed to complying with the *Privacy and Personal Information Protection Act 1998* (the PPIP Act)
- is mindful of confidential matters related to schools' business affairs
- follows the Information Protection Principles when dealing with personal information supplied by schools. See sections 8 and 9 of the PPIP Act and the NESA Privacy Management Plan.

Education Act

section 20A	NESA has functions under the Act.

A1.4 The Minister approves school registration

The Education Act authorises the Minister to approve school registration.

NESA is responsible for making recommendations to the Minister about registering non-government schools.

If schools meet the relevant requirements, the Minister can approve the:

- renewal of registration of an existing non-government school
- initial registration of new Years of schooling at an existing school
- initial registration of a new non-government school
- registration of a school campus.

The Minister approves a school's registration for specific Years of schooling for a specific period.

Education Act

section 19	Functions of the Minister.

A1.5 Proprietors are responsible for school compliance

A proprietor is a legal entity that owns and operates one or more non-government schools (see B1.1).

Proprietors are responsible for ensuring their schools' compliance with the regulatory and accountability requirements of the Education Act as described in the Manual.

This includes responsibility for the management and operation of each school and requirements relating to corporate governance, teaching standards, student welfare and educational programs.

Schools must meet the registration and, if applicable, accreditation requirements in the Manual, including the specified policies, procedures and other evidence of compliance. Although the titles and scope of policies and procedures will vary depending on the school's philosophy, ethos and practice, each requirement must be addressed as part of the school's full set of policies, procedures and evidence.

The proprietor appoints a Principal (or equivalent) who is responsible for the school's day-to-day operations.

Proprietors determine the expectations and standards required of their schools. These may exceed or be additional to, but not less than, NESA's minimum standards.

Where the term 'school' is used in the Manual, it refers to school and/or proprietor responsibilities.

A1.6 Penalties apply for unregistered and/or unaccredited schools

It is an offence to conduct an unregistered school for children of compulsory school age. It is also an offence to knowingly permit or assist in conducting an unregistered school.

Penalties apply to people who conduct unregistered schools.

It is also an offence to conduct, knowingly permit or assist in conducting an unaccredited school for candidates for the RoSA or HSC.

As set out in B4.2 and B4.3, secondary schools that are registered, but not accredited to enter RoSA or HSC candidates must write to students' parents each year informing them that students completing their secondary education at the school will not be eligible for those credentials.

Penalties apply to people who educate students for the credential of the RoSA or HSC at a school that is not accredited.

Education Act

section 65	A person must not conduct or knowingly permit or assist in the conduct of a school unless it is registered.
section 93	A person must not conduct or knowingly permit or assist in the conduct of a school for the education of candidates for the RoSA or HSC unless the school is accredited.

A2 Registration

A2.1 Registration gives schools a licence to operate

Registration is a non-government school's licence to operate. Its purpose is to ensure that a school meets the requirements of the Education Act.

Registered schools, including the main school site and campus(es) (where relevant) must:

- meet the registration requirements
- be able to demonstrate evidence of compliance throughout their registration period
- display the school's Certificate of Registration in the entrance to the main building or another prominent place.

In the Manual, sections B1 to B9 set out the registration requirements for all schools and the evidence of compliance schools must be able to demonstrate throughout a registration period.

Schools with boarding facilities and schools offering distance education must meet additional requirements. These are set out in sections B10 and B11.

When determining if a school meets the registration requirements, NESA or the Minister may have regard to matters relating to the quality of student learning or any additional matters not listed in Part B of this Manual. These matters will not be inconsistent with the registration requirements for non-government schools.

Such matters may:

- relate to the standard of teaching and student engagement in learning
- arise from NESA's risk assessment framework.

Exemption from registration

A school may seek exemption from registration on the basis of religious grounds (see D1.4). Under the Education Act, schools exempt from registration are regarded as registered. Therefore, references to 'registration' throughout the Manual includes schools with exemption from registration.

Education Act

section 47	Registration requirements for non-government schools.
section 80	Exempted school to be regarded as registered.

A2.2 The Education Act defines classes of registration

There are 3 classes of registration. Schools may be registered for any one or more of the following:

- primary education for specified Years of schooling
- secondary education for specified Years of schooling
- education of a kind, or for children of a kind (school of a kind), in line with the *Education Regulation 2017* (the Regulations).

Schools apply to operate Years of schooling that align to the primary and/or secondary class of registration unless applying solely for school of a kind.

Schools with registration for more than one class must meet the requirements for each class.

Primary schools

Registered primary schools provide education for students in Kindergarten to Year 6 and must comply with the minimum curriculum for primary education as defined in the Education Act.

A primary school may offer any one or more of the following Years of schooling:
- Kindergarten (Early Stage 1 curriculum)
- Years 1–2 (Stage 1 curriculum)
- Years 3–4 (Stage 2 curriculum)
- Years 5–6 (Stage 3 curriculum).

Secondary schools

Registered secondary schools provide education for students in Years 7 to 12 and must comply with the minimum curriculum for secondary education (Years 7 to 10) as defined by the Education Act. If the school provides education for Years 11 to 12, it must also comply with the curriculum for students who are candidates for the HSC.

A secondary school may offer any one or more of the following Years of schooling:
- Years 7–8 (Stage 4 curriculum)
- Years 9–10 (Stage 5 curriculum)
- Years 11–12 (Stage 6 curriculum).

Secondary schools that are registered but not accredited (as set out in A3) are not eligible to enter candidates for the RoSA or HSC. Schools should refer to the ACE website for information about students' eligibility for the RoSA and HSC when a student seeks to transfer to an accredited school.

School of a kind

The Regulations prescribe children of a kind as:
- children who need special instruction because of sensory, physical, intellectual or emotional disabilities
- children who are, or are the children of, foreign nationals.

The minimum curriculum for NSW does not apply to schools solely providing education as school of a kind. Schools registered only as a school of a kind must:
- satisfy NESA that this is the appropriate class of registration
- only enrol students who meet the criteria for 'children of a kind'
- deliver curriculum that suits the children of a kind for which they are registered, which may not be NESA syllabuses.

If a school wishes to enrol any students who do not meet the criteria for children of a kind, but will undertake the primary or secondary curriculum for any specified Years, the school must also seek that class of registration.

Certificate of Registration

The Certificate of Registration issued to the school will identify all relevant classes of registration for the school.

Education Act

section 53(1)(a)–(c)	The Certificate of Registration identifies a school's registration class.

A2.3 Initial registration is a period limited to one year

An applicant who seeks approval to open a proposed new non-government school, or to add new Years of schooling to an existing school, must apply to NESA by 31 March the year before commencing the school or the new Years (see D1.2).

Following approval, new schools and schools offering new Years of schooling are granted provisional registration for one calendar year. This is also known as initial registration.

Before starting operation of the school or new Years, it may not be possible to provide evidence of compliance with all registration requirements. However, the applicant must provide evidence of its capacity to comply with the requirements. This evidence is typically a set of policies and procedures with planned curriculum that demonstrate capacity to comply with the registration requirements. The applicant may need to also include other evidence as requested by NESA.

Applicants seeking initial registration should read Part B of this Manual in full, noting all requirements listed under:

- Evidence of compliance for registered schools, and
- Capacity to comply: evidence for schools applying for initial registration.

Any difference in these sections is only intended to take account of the fact that compliance with some requirements cannot be demonstrated in full until the school begins operating or the new Years of schooling start. An Inspector will make a recommendation based on the proprietor's capacity to meet the registration requirements.

When an existing school applies for initial registration of new Years of schooling, NESA will also consider the school's current compliance with the registration requirements.

NESA makes a recommendation to the Minister as to whether the proposed school or new Years should be registered.

Once the application for initial registration is approved and the school or the new Years of schooling start operating, the school must:

- meet all the requirements detailed in Part B, and
- be able to demonstrate evidence of compliance throughout its registration period.

Education Act

sections 49, 50, 51, 52	Initial registration of a new non-government school.

A2.4 Registration is for a maximum period of 5 years

NESA makes recommendations about the length of a school's period of registration in line with legislated periods.

The maximum period that a school's registration can be renewed for is 5 years. A school can apply for renewal of registration in the year of expiry (see D1.3).

Education Act

section 57	The maximum renewal period for registration is 5 years, as specified on the certificate.

A3 Accreditation

A3.1 Accreditation allows schools to enter students for the RoSA and/or HSC

Accreditation authorises a registered non-government school to present candidates for a NESA credential.

Applying for accreditation in addition to registration is optional. Accredited secondary schools must demonstrate they comply with the accreditation requirements in addition to all registration requirements, including curriculum requirements (see B4).

Accredited schools must:
- be registered for the Years of schooling for which it has accreditation
- meet the accreditation requirements (see Part C)
- be able to demonstrate evidence of compliance for the duration of their accreditation period
- display the school's Certificate of Accreditation in the entrance to the main building or another prominent place.

When NESA decides if a school meets the accreditation requirements, it will have regard to the quality of the educational program. This includes:
- records of student achievement
- the standard of teaching
- the facilities provided.

Secondary schools registered for Years 7 to 12

A secondary school that has registration for any Years from Years 7 to 12, may apply for the accreditation for:
- RoSA for students in Years 7 to 10 and/or
- HSC for students in Years 11 to 12.

Seeking approval for accreditation ensures that a school meets NESA's requirements for the RoSA and/or the HSC, as outlined on the ACE website.

School of a kind

Schools registered as offering education of a kind for children who need special instruction because of sensory, physical, intellectual or emotional disabilities may be accredited.

They must provide educational programs based on and taught in accordance with syllabuses developed or endorsed by NESA and meet accreditation requirements (see Part C).

Schools solely offering education of a kind for foreign nationals cannot be accredited.

Education Act

section 85	Schools may apply to NESA for accreditation to present candidates for the RoSA and/or HSC.
section 86(4)	NESA issues a certificate of accreditation for any school it accredits.

section 92(1)	The quality of the educational program must be assessed.
section 94	NESA prescribes the requirements and regulations for granting the RoSA to students.
section 95	NESA prescribes the requirements and regulations for granting the HSC to students.

A3.2 Initial accreditation is limited to one year

Schools seeking accreditation for the first time must apply to NESA by 31 March the year before commencing delivery of courses leading to the credential (see D1.2).

Accreditation requirements typically commence in Year 7 for the RoSA and Year 11 for the HSC.

In their first year of accreditation, schools are granted provisional accreditation for one calendar year. This is also known as initial accreditation.

Before starting, it may not be possible for a proposed new school or a school seeking accreditation for the first time to provide evidence of compliance with all accreditation requirements. However, the applicant must provide evidence of its capacity to comply with the requirements. This evidence typically includes curriculum materials and assessment policies and procedures that demonstrate the capacity to comply with the accreditation requirements, but may include other evidence as requested by NESA.

Schools applying for initial accreditation should read the relevant sections of Part C of the Manual, noting all requirements listed under:

- Evidence of compliance for accredited schools, and
- Capacity to comply: evidence for schools applying for initial accreditation.

Any difference in these sections is only intended to take account of the fact that compliance with some requirements cannot be demonstrated until the school starts delivering accredited courses. When the school is approved for initial accreditation and it starts delivering accredited courses, it must:

- meet all the requirements detailed in Part C
- be able to demonstrate evidence of compliance throughout its accreditation period.

When an existing school applies for initial accreditation, NESA will consider its current compliance with the registration requirements.

Education Act

section 87(2)	A school's accreditation period may correspond to its registration period unless NESA considers this inappropriate.

A3.3 Accreditation is for a maximum period of 5 years

Following an application process and initial period of accreditation, NESA usually accredits a school for a period that corresponds to its registration period.

The maximum period that a school's accreditation can be renewed for is 5 years. A school can apply for renewal of accreditation in the year of expiry (see D1.3).

Education Act

section 87(1)	The maximum period that a school can be accredited for is 5 years.

A3.4 Some schools may be granted conditional RoSA accreditation

The RoSA is a cumulative credential that may be awarded to a student who leaves school before they finish Year 12.

A school that is registered for only Years 11 and 12 and accredited only for the HSC may still nominate a student for the RoSA if the student leaves the school before completing their HSC. This is conditional RoSA accreditation.

The Principal completes the nomination in Schools Online.

Part B: Registration requirements

Part B summary

Part B details the registration requirements that must be met by non-government schools under the Education Act.

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B1 Proprietors and Principals

B1.1 Proprietors must be a type of legal entity approved by the Minister

The proprietor of the school must be a corporation or other form of legal entity approved by the Minister including**:**

- corporations
- registered companies
- trusts, including religious bodies.

The proprietor must be a legal entity that is legally permitted to enter into a contract and be accountable for its contractual obligations.

A school's proprietor cannot be an individual person.

The proprietor of the school:

- owns and operates the school
- is named on the school's Certificate of Registration
- is primarily concerned with the school's governance, including long-term financial planning, administrative policies and accountability
- has overall responsibility for the school's compliance with registration and, if applicable, accreditation requirements.

The proprietor's role differs from that of the Principal, whose role is delegated to them by the school's proprietor or governing body.

The proprietor should appoint a Principal (or equivalent) who is responsible for the school's management, day-to-day functioning and routine operations as delegated by the proprietor, typically including:

- school operations
- curriculum implementation
- teaching and learning programs
- assessment
- health and safety
- student welfare
- staff selection, supervision and professional development
- enrolment and daily attendance registers
- building maintenance and management of facilities, resources and equipment.

If a school has no Principal:

- any notice that would ordinarily be given to the Principal can instead be given to any of the school's teachers, and it is taken to have been given to every teacher at the school
- an obligation that would ordinarily be imposed on the Principal is to be taken as being imposed on all the school's teachers, but it may be discharged by one of them on behalf of all of them.

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

Schools must notify NESA when there are changes to its proprietor and Principal. See B2.6.

Evidence of compliance for registered schools

A school must maintain evidence that their proprietor is one of the types of legal entity approved by the Minister. The evidence could be:

- a memorandum
- a constitution
- other articles of association that establish the entity
- a trust deed
- incorporation documents
- an Act of Parliament.

Capacity to comply: evidence for schools applying for initial registration

An applicant must comply with requirement B1.1, including providing evidence that the proprietor is one of the types of legal entity approved by the Minister.

Education Act

section 47(1)(a)	The school's proprietor must be a corporation or other form of legal entity approved by the Minister.
section 129	Where a school has no Principal, notices or obligations are given to or imposed on teacher(s).

B2 School management and operation

B2.1 Responsible persons must be fit and proper

All responsible persons, and any other person or body performing a similar role, must be fit and proper.

The Education Act defines a responsible person as:

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

Proprietor responsibilities

Proprietors must ensure that:

- each responsible person is fit and proper, and
- the governing body has relevant qualifications, experience and expertise in administering a school and providing education at a school.

The proprietor should consider whether the school's governing body has arrangements in place to ensure it receives independent and professional advice about its compliance with its obligations under the Education Act.

The proprietor must have policies and procedures to assure itself that the school's responsible persons and governing body are and continue to be fit and proper. At a minimum, the proprietor must require each responsible person to sign a fit and proper statutory declaration:

- prior to commencing as a responsible person
- annually while they remain a responsible person.

Proprietors must manage notifications to NESA about responsible persons as outlined in B2.6.

NESA's considerations

When NESA assesses whether a school's responsible persons and governing body are fit and proper, it will consider if they have:

- debts to a government
- a record of satisfactory financial management, considering whether they have been bankrupt, insolvent, subject to court orders or associated with an organisation placed under external administration
- been convicted of, or charged with, an offence, including in relation to children, dishonesty or violence
- engaged in a deliberate pattern of immoral or unethical behaviour
- engaged in hate speech.

Even if a responsible person has been convicted or engaged in any of these behaviours, it does not necessarily mean they are not fit and proper. For example, a responsible person may have been convicted of a trivial offence a long time ago, with exemplary conduct since.

Where a responsible person or governing body has been bankrupted, insolvent, subject to court orders or associated with an organisation placed under external administration, NESA will consider the relevance and recency of the circumstances.

Where a responsible person or governing body has breached laws that fall short of constituting criminal offences, NESA will consider if they were trivial and unintentional.

There may be occasions when non-criminal breaches of law may indicate the existence of serious behaviour. NESA will consider whether:

- there is a pattern of behaviour
- they have engaged in immoral or unethical behaviour
- there has been sufficient remorse or a reasonable attempt to rectify the conduct
- the responsible person has repeatedly and deliberately set up corporate ventures which then fail.

When determining if a responsible person or governing body is fit and proper, NESA will consider:

- the nature and seriousness, frequency and recency of the conduct
- the proprietor's determination of the conduct
- any explanation for the conduct
- the responsible person's subsequent conduct and actions.

These matters are not definitive but are used as an insight into the fitness and propriety of the responsible person or governing body.

Previous refusal or cancellation

A person cannot fill the role of a responsible person if the refusal or cancellation of registration of an existing or proposed new school during the period of 5 years immediately before an application can be largely attributed to their actions.

Evidence of compliance for registered schools

The proprietor must have and implement policies and procedures for:

- maintaining evidence that the responsible persons and governing body have the experience and expertise to administer a school
- requiring and retaining signed fit and proper statutory declarations for each responsible person prior to commencement and at least annually while they continue to be a responsible person for the school
- responding to information suggesting that a responsible person may not be fit and proper
- notifying NESA (see B2.6):
  - as soon as practicable if the school's proprietor, a responsible person or the governing body determines that a responsible person or the governing body is not fit and proper
  - when the school becomes aware that the refusal or cancellation of an existing or proposed non-government school in the past 5 years has been largely attributed to the actions of a responsible person.

The proprietor must maintain an accurate register of responsible persons in RANGS Online (see B2.6).

Fit and proper statutory declarations

Declarations must include a response about whether the person has ever:

- been convicted of an offence
- become bankrupt, insolvent or been placed under external administration
- been convicted of, or charged with, an offence, including in relation to children, dishonesty or violence
- been determined not to be fit and proper

- engaged in a deliberate pattern of immoral or unethical behaviour
- engaged in hate speech
- been a responsible person for a proposed or existing non-government school whose registration was refused or cancelled.

The proprietor must maintain a copy of each responsible person's declaration for 7 years, including after they cease being a responsible person.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show capacity to comply with requirement B2.1, including policies and procedures to:

- ensure the school's responsible persons and governing body are fit and proper
- require responsible persons to sign a fit and proper statutory declaration before commencing as a responsible person and at least annually while they continue to be a responsible person for the school
- notify NESA as soon as practicable if the school's proprietor, a responsible person or the governing body determines that a responsible person or the governing body is not fit and proper
- assure NESA that any previous registration refusal or cancellation of an existing or proposed non-government school in the past 5 years was not largely attributed to a responsible person or any other person or body performing a similar role
- maintain a copy of each responsible person's declaration for 7 years, including after they cease being a responsible person.

Education Act

section 47(1)(b)	A school's responsible persons (and any other person or body performing a similar role) must be fit and proper.
section 47(1)(c)	A registration refusal or cancellation (under section 56 or 59) in the preceding 5 years must not have been largely attributable to the actions of an actual or proposed responsible person for the school, or any other person or body performing a similar role.

B2.2 Responsible persons must be inducted and complete professional learning

Good governance is fundamental to a school's operation. Responsible persons must have relevant qualifications, skills and experience to govern the school properly.

Proprietors must ensure that responsible persons:

- are inducted when they are new to a school
- complete ongoing professional learning.

The focus of the professional learning for a responsible person will depend on:

- their professional experience in NSW schools
- their role and responsibilities
- the school's policies and procedures for governance professional learning.

Regardless of professional qualifications and experience, all responsible persons must complete professional learning about governance in a school context.

There are requirements for responsible persons' professional learning including the number of hours that must be completed, the timeframe in which the professional

learning must be completed, and the governance courses and providers that have been approved by NESA. The list of NESA-approved providers of governance training programs and courses are published on NESA's website.

Where a responsible person acts for more than one school governing body or transfers from one NSW school to another, their responsible persons professional learning hours may be carried across to the other school. However, each proprietor must ensure the person completes the school-based induction program for that school.

Evidence of compliance for registered schools

Induction

The proprietor must have and implement policies and procedures for:

- inducting new responsible persons before, or within 3 months of, becoming a responsible person for the school including a:
  - school-based governance induction program
  - NESA-approved governance training program delivered by a NESA-approved training provider
- maintaining and retaining an induction register for responsible persons.

School-based governance induction program

The school-based governance induction program must provide each responsible person with a copy of:

- information about their responsibilities under the Education Act, any Regulation under the Education Act, and NESA requirements, including any duties of disclosure or notification
- all documents, policies and procedures specified in the evidence of compliance in B2.3 and any other key policy documents
- the school's most recent audited financial statements
- minutes of recent meetings of the school's governing body.

Induction register

Proprietors must maintain an induction register, including the following details for each new responsible person:

- name
- date of becoming a responsible person for the school
- role or position of responsibility within the school's governing body
- details of qualifications and/or experience relevant to their role
- date of responsible person receiving a copy of the documents listed under 'School-based governance induction program'
- details of completing a NESA-approved governance training program (date(s), provider, course, hours).

The induction register and evidence of completed courses must be maintained and retained for 7 years.

Professional learning

The proprietor must have and implement policies and procedures for:

- responsible persons completing at least 12 hours of NESA-approved governance professional learning every 3 years from when they commenced as a responsible person
- maintaining and retaining a register and records of completed responsible persons' professional learning.

A responsible person whose role or responsibilities require particular skills or expertise should complete professional learning in the relevant area such as:

- finance
- compliance
- risk management
- education.

Professional learning register

Proprietors must maintain a professional learning register for each calendar year that include details of:

- name of the responsible person
- role or position of responsibility within the school's governing body
- NESA-approved governance professional learning (date(s), provider, course, hours).

The register can also include records of any prior professional learning for responsible persons who have transferred from, or are a responsible person for, another NSW school.

The register and evidence of completed professional learning must be retained for 7 years.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show capacity to comply with requirement B2.2, including policies and procedures for how they will:

- induct and retain records of new responsible persons
- ensure professional learning for responsible persons is conducted and recorded.

Education Act

section 47(1)(b1)	Policies and procedures for proper governance of the school.

B2.3 Schools must be managed through proper governance

Proprietors must have policies and procedures to ensure proper governance.

Under the Education Act, a school's responsible persons are accountable for ensuring proper governance of the school.

Responsible persons are responsible for governing and operating the school to:

- satisfy legal obligations
- manage risk
- provide strategic guidance
- monitor performance
- meet all relevant requirements set out in the Manual.

Proper governance requires structures and processes for:

- governance
- leadership
- authority
- decision-making
- accountability
- transparency.

Responsible persons are accountable in the same way that members of other public or corporate bodies are accountable.

In general, a school's governance policies and procedures must be consistent with accepted community norms. There are additional standards set by other authorities and laws that may be relevant, such as:

- Australian Securities and Investments Commission (ASIC)
- Australian Securities Exchange
- Australian Charities and Not-for-profits Commission (ACNC)
- the 'operate for profit' provisions of the Education Act.

A school's specific governance policies and procedures will vary based on:

- its context and philosophy
- its governance structure
- the authority delegated by the proprietor to governing bodies or positions within the school (for example a school council or board, Principal and/or school executive).

In assessing a school's compliance with requirement B2.3, NESA will have regard to all of the school's governance policies and procedures set out in B2.1–B2.7.

Evidence of compliance for registered schools

Proprietors must have governance documents including:

- a constitution, charter or other document that identifies the proprietor and school's governance structure and the respective authority, role and responsibilities of each responsible person and any other person or body involved in the management of the school
- a delegation schedule that:
  - identifies each respective authority within the governance structure
  - describes how to withdraw a delegated authority
- supervisory arrangements and reporting requirements for responsible persons, including any governing body and school executive
- a code of conduct for responsible persons that includes prohibition of hate speech
- a framework or plan to manage risk, including legal obligations, and the associated risk register
- governance decision making records from the last 7 years, including minutes of meetings of the school's governing body.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show capacity to comply with requirement B2.3, including:

- a constitution, charter or other document that identifies the intended governance structure and the respective authority, role and responsibilities of each responsible person and any other person or body involved in the management of the school
- a delegation schedule that:
  - identifies each respective authority within the governance structure
  - describes how to withdraw a delegated authority
- supervisory arrangements and reporting requirements for responsible persons, including any governing body and school executive
- a code of conduct for responsible persons
- a framework or plan to manage risk, including legal obligations, and the associated risk register
- a plan for retaining governance decision making records for at least 7 years.

Education Act

section 47(1)(b1)	Policies and procedures for the proper governance of the school.

B2.4 Schools must manage conflicts of interest and related party transactions

Responsible persons must manage personal conflicts of interest and related party transactions.

Responsible persons must seek to avoid situations where their personal interests (or those of a relative or close associate) may conflict with decisions made by the governing body. The conflicts may:

- be direct or indirect
- be actual, perceived or potential
- include related party transactions, as described below.

The school's proprietor is responsible for mitigating any conflicts of interest that do arise.

A related party transaction is any transaction where a responsible person (acting on behalf of the school) provides a financial or other tangible benefit to a related party. The related party may be:

- the responsible person themselves
- the responsible person's spouse
- another responsible person or their spouse
- other relatives or close associates of the responsible person
- other organisations related to the responsible person or proprietor.

The school's governing body must arrange for the related party transaction register to be audited annually by an external independent auditor (also see B2.5).

Evidence of compliance for registered schools

Conflicts of interest

The proprietor must have and implement a policy and procedure for conflicts of interest including:

- a definition of conflicts of interest within the context of the proprietor's governance structure
- requiring responsible persons to:
  - make an annual declaration about any actual, perceived or potential conflict, and update as necessary
  - raise any actual, perceived or potential conflict with items on the agenda for governing body meetings
  - mitigate the risk of conflicts of interest in a way that is acceptable to the other responsible persons (for example, by absenting themselves from associated decision-making or advisory role)
  - ensure the minutes record conflicts raised and actions taken to manage each conflict
  - maintain and retain records of the annual declarations for 7 years.

Related party transactions

The proprietor must have and implement a policy and procedure for related party transactions including:

- a definition of related party transactions
- requiring responsible persons to:
  - disclose related party transactions made on behalf of the proprietor or governing body
  - maintain a register of all related party transactions
  - sufficiently detail the materiality of each transaction
  - have the register audited independently on an annual basis
  - retain records of the register and independent audit reports for 7 years.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show capacity to comply with requirement B2.4, including the policies and procedures for how they will manage:

- conflicts of interest
- related party transactions.

Education Act

section 47(1)(b1)	Policies and procedures for the proper governance of the school.

B2.5 Schools must be financially viable and audited annually

Proprietors must:

- ensure schools are financially solvent
- monitor schools' financial viability regularly
- arrange for schools' financial statements and related party transactions to be audited and certified annually by an external independent auditor.

For schools to ensure they can continue to provide an education for students, they must be financially viable.

As set out in B2.6, schools must notify NESA if:

- the contract with the school's external auditor is terminated by either party before the end of the contract term including the reason(s) for the termination
- the proprietor's affairs are under any form of external control.

In considering a school's financial viability, NESA relies on assessments by NESA-approved bodies based on NESA's Financial Viability Framework (see NESA website).

At the time of a school applying for registration, NESA will conduct a risk assessment to determine what evidence of financial viability the school needs to provide. This may include:

- a certification from the Principal that the school assesses its financial viability regularly
- an assessment of financial viability by a NESA-approved body or person using the NESA Financial Viability Framework with either a:
  - Certification of Financial Viability, or
  - Financial Viability Warrant.

An Inspector may request additional information based on an assessment of the school's application.

NESA will have regard to whether:

- the school's proprietor is a body corporate that is being wound up
- the proprietor's affairs are under external control, such as the control of a manager
- in the view of NESA, the proprietor's liabilities are greater than its assets
- in the view of NESA, the proprietor is unable to pay its debts by the due date (and this is likely to continue for a substantial period)
- an auditor or NESA-approved body has materially qualified the school's accounts or is concerned about the proprietor's financial viability.

NESA will also have regard to the type of evidence for assessing viability, including whether the school's compliance with the requirements for financial viability have been certified by a NESA-approved body.

NESA may consider other information to assess financial viability.

Evidence of compliance for registered schools

A proprietor must have and implement policies and procedures for:

- assessing the school's financial viability regularly, including what documents the school uses to make the assessment
- notifying NESA (see B2.6) if:
  - the contract with the school's external auditor is terminated by either party before the end of the contract term including the reason(s) for the termination
  - if the proprietor's affairs are under any form of external control
- retaining externally audited and certified financial statements for at least 7 years
- retaining a financial viability certification or warrant in the NESA-prescribed form for at least 7 years.

Certification or warrant

Typically, at the time of making an application to NESA, the school must be able to demonstrate the school's current financial viability by:

- certification by the Principal, or
- an assessment of financial viability by a NESA-approved body or person.

When determining a school's financial viability, an Inspector may ask to see:

- evidence of assessing the school's financial viability at regular intervals including the records and documents used in making the assessment
- audited annual financial statements, independent audit reports and management letters
- compliance with the requirements of state or federal funding agencies
- the most recent Commonwealth Financial Questionnaire
- current operating financials (or management accounts)
- schedule of loan agreements (where relevant)
- property lease or rental agreements (where relevant) including term and yearly cost
- information about remuneration paid to members of the governing body (and other related parties) and the award or agreement that governs staff salaries
- current business plan
- current budget and forecast budgets for 3–5 years
- insurance policies
- any other relevant material.

Annual audit of the school financial statements

The proprietor must certify or provide other evidence that the annual audit of the school financial statements, related party transaction register and audit certificate:

- have been completed by an auditor recognised by CPA Australia, Chartered Accountants Australia and New Zealand, the Institute of Public Accountants or another NESA-approved accounting body
- comply with requirements of federal or state funding agencies
- have not been completed by a person or body who has a:
  - relationship with the school other than providing audit services, or
  - conflict of interest with any of the school's responsible persons.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show capacity to comply with requirement B2.5 including intended policies and procedures for how:

- financial viability will be assessed in an ongoing manner
- the school financial statements and related party transactions will be audited and certified annually by an external independent auditor
- records will be retained for at least 7 years.

As part of a proposed new school application, an assessment of financial viability by a NESA-approved body or person must be completed and provided to the Inspector.

Education Act

section 47(1)(a1)	The school must be financially viable.

B2.6 Schools must notify NESA in certain circumstances

Notifications to NESA are essential:

- to ensure NESA has accurate and up-to-date details for the proprietor, Principal and school
- to ensure the certificates of registration and if applicable accreditation, are current and accurate.

Schools must notify NESA when there are certain operational changes to the school's management and operation, staffing, curriculum, boarding facilities (if applicable) or distance education (if applicable).

Where new certificates are needed, NESA relies on notifications to inform the Committee and request the required actions from the Minister and/or NESA CEO (see D2.2).

Depending on the nature of the change, the method and timing of notification differs.

Evidence of compliance for registered schools

Schools must have and implement a procedure for providing notifications to NESA as set out below.

Notifications to be made in writing

The below notifications should be made in writing to the Director, Regulation of Schooling, GPO Box 5300, Sydney NSW 2001 or email schoolrego@nesa.nsw.edu.au.

Notification	Submission timeframe
Responsible persons: ▪ are convicted of an offence punishable by imprisonment of at least 12 months ▪ become bankrupt or insolvent ▪ apply to take advantage of bankruptcy relief laws ▪ compound with their creditors or assign their remuneration for the creditors' benefit ▪ are found by the school's proprietor to no longer be a fit and proper person. Responsible persons who are involved with a corporation that has either: ▪ wound up ▪ had a controller or administrator appointed. At least one other responsible person must also be notified	as soon as practicable after it occurs
A responsible person has become mentally incapacitated and becomes a patient at an institution because of that incapacity, or a protected person under the *NSW Trustee and Guardian Act 2009*. At least one other responsible person must also be notified	as soon as practicable after it occurs
The proprietor's affairs are under any form of external control, such as the control of a manager, under any law	within 1 month of it occurring
The school has been formally notified that they have allegedly breached any of the laws or codes listed below: ▪ *Children's Guardian Act 2019* ▪ *Child Protection (Working with Children Act) 2012* ▪ *Children and Young Persons (Care and Protection) Act 1998* ▪ *Disability Discrimination Act 1992* ▪ *Work Health and Safety Act 2011* ▪ *Environmental Planning and Assessment Act 1979* ▪ *Food Act 2003* ▪ *Explosives Act 2003* ▪ National Construction Code	within 14 working days of being notified of the alleged breach

Notifications to be made in RANGS Online

The below notifications must be submitted to NESA using the relevant notification form through RANGS Online.

Notification	Submission timeframe
School management and operation	
The school intends to change the name of the main school site or the name of a registered campus	at least 3 months before the change takes effect
The school is sold or transfers ownership to another proprietor	within 7 days of completing the sale
The school's existing proprietor changes its name, legal entity or contact details	within 7 days of the change
A new Principal (or equivalent) is appointed or the existing Principal's details change	within 7 days of the change
There is a change to the details of a school's responsible persons, including: ▪ name ▪ role/position ▪ contact number ▪ date of starting ▪ date of ceasing as a responsible person (where relevant)	within 1 month of the change
The contract or arrangement with the school's external auditor is terminated by the school or external auditor before the contract term expires	within 1 month of the change
There is a change to the school's main site or a campus, including: ▪ postal address ▪ contact details	within 1 month of the change
The school closes or ceases to operate as a school, or closes or ceases specific Years of schooling	within 1 month of the change
Staffing	
There is turnover of half or more of the teaching staff during any 12-month period	at the start of the next term
Curriculum	
The school intends to deliver additional Years of schooling at a registered campus where the same Years of schooling are registered at its main site or another registered campus	at least 3 months before implementing the change

Notification	Submission timeframe
The school increases the scope of its curriculum by teaching one or more courses in a Key Learning Area (KLA) from which it has not previously taught any courses	within 1 month of the change
The school intends to decrease the Years of schooling at its main site or a registered campus	within 1 month of the change
The school intends to cease accreditation for courses leading to the award of the RoSA and/or HSC at its main site or a registered campus	within 1 month of the change
Premises and buildings	
The school intends to add a campus	at least 6 months before implementing the change
The school, part of the school, or existing campus proposes to move to a new site (at a street address different to the address on the Certificate of Registration), particularly if the premises are used: ▪ for teaching courses of study ▪ to provide amenities for teachers and students participating in courses of study ▪ as student boarding facilities	at least 3 months before relocation
The school closes or ceases operating a campus or specific Years of schooling at a campus	within 1 month of the change
Schools with approved boarding facilities	
The school intends to relocate the boarding facilities on the school site or move them to a new site	at least 3 months before relocation
There is turnover of half or more of the full-time supervisory staff at a boarding school during any 12-month period	at the start of the next term
The school intends to cease being a boarding facility	within 1 month of the change
Schools with approved scope to deliver distance education	
The school intends to change the approved scope of distance education including: ▪ amending the Years of schooling ▪ adding/ceasing accreditation for courses leading to the RoSA and/or HSC	at least 6 months before the change
The school intends to add accreditation for courses leading to the RoSA and/or HSC	at least 6 months before the change
The school intends to cease providing distance education courses	within 1 month of the change

Capacity to comply: evidence for schools applying for initial registration

An applicant must show capacity to comply with requirement B2.6, including the intended process for how they will manage notifications to NESA.

Education Act

section 47(1)(b1)	Policies and procedures for the proper governance of the school.
sections 60(1), 60(4)(a)–(c), 62(1), 63, 63A, 69	Written notice must be provided to NESA where there are changes to school operations or responsible persons.

B2.7 Schools must report annually

Schools must:

- publicly disclose educational and financial performance measures and policies as determined by the Minister
- provide data for the Minister's annual report to Parliament on the effectiveness of NSW schooling.

Annual report

Schools are required to prepare an annual report based on the previous calendar year.

The information can be produced as either:

- a stand-alone report, or
- a clearly identified, separate section of an existing report.

Schools will choose the order and structure of the required information.

The school's overall financial position may be presented in graphical form, as long as:

- each segment represents specific dollar amounts derived from the school's Commonwealth Financial Questionnaire
- data is arranged in line with the areas covered by the Commonwealth Financial Questionnaire (as outlined below).

Graph 1: recurrent/capital income, with segments detailing percentages derived from:

- fees and private income
- recurrent state grants
- recurrent federal grants
- government capital grants
- other capital income.

Graph 2: recurrent/capital expenditure, showing percentages spent on:

- salaries, allowances and related expenses
- non-salary expenses
- capital expenditure.

Annual reports are submitted to NESA by 30 June each year.

Data for the Minister

If asked, schools must also provide data, so the Minister can report to Parliament on schooling effectiveness. This includes:

- HSC examination results (as allowed under the Education Act)
- other information.

From time to time, the Minister may ask schools to provide extra information for other parliamentary reports. If so, schools will receive 3 months' notice.

The data must be provided to NESA in an online or appropriate electronic form (unless otherwise agreed).

Evidence of compliance for registered schools

By 30 June (the year after the reported year), the annual report must be completed, submitted to NESA in RANGS Online (unless otherwise agreed) and made publicly available.

Annual report information

The annual report must include:

Context

- a message from key school bodies
- contextual information, including characteristics of the student body. Schools may choose to include other relevant information such as:
  - priority areas for improvement (for example, student achievement targets), and
  - actions taken to promote respect and responsibility (for example, community service and class-based activities).

Outcomes and results

- student outcomes in standardised national literacy and numeracy testing
- post-school destinations (for Years 10, 11 or 12 only), in appropriate and broad terms such as 'workforce', 'further study', 'unknown'
- HSC results (where relevant), including a comparison of student performance relative to the state and performance trends using graphs or tables and interpretative comments (must be consistent with all relevant federal and state legislation and privacy and personal information policies)
- senior secondary outcomes (where relevant) including:
  - percentage of Year 12 students undertaking vocational or trade training, and
  - percentage attaining a Year 12 certificate or equivalent VET qualification.

Staffing

- the accreditation status (as defined by the TA Act) of all teaching staff responsible for delivering the curriculum
- workforce composition, including Aboriginal and Torres Strait Islander peoples (must be consistent with privacy and personal information policies).

Attendance

- student attendance rates for each Year level and the whole school
- a description of how the school manages student non-attendance.

School policies

- links to the school's publicly available policies for child protection, anti-bullying, discipline, managing complaints and enrolment.

Stakeholder satisfaction

- a description of parent, student and teacher satisfaction.

Financial information

A summary of financial information (consistent with the school's annual Commonwealth Financial Questionnaire), including:

- income from all sources, including state and federal grants and subsidies and all private income, including fees and donations
- expenditure on all purposes, including teaching and learning, administration and financing (borrowing costs, depreciation).

Capacity to comply: evidence for schools applying for initial registration

An applicant must show capacity to comply with requirement B2.7, including a description of how they will provide:

- annual reports of the educational and financial information after the first year of operation
- data to NESA for the Minister for the annual report to Parliament on school effectiveness, where required.

Education Act

section 47(1)(l)	The school must participate in annual reporting to publicly disclose the educational and financial performance measures and policies of the school, and provide data to the Minister.

B3 Staff

B3.1 Teaching staff must be appropriately qualified

A school's teaching staff must have the necessary experience, qualifications and accreditation to teach in NSW in line with the *Teacher Accreditation Act 2004* (the TA Act).

School teachers are responsible for:

- delivering courses of study that are designed to implement the school curriculum under the Education Act
- assessing the participation, performance and progress of students in those courses
- supporting and leading the development and implementation of course delivery and assessment.

When determining whether a school meets this requirement, NESA will consider the holistic capacity of the school's teaching staff to deliver the curriculum.

Schools must notify NESA when more than half of the teaching staff turnover in a 12-month period, as set out in B2.6.

Evidence of compliance for registered schools

Schools must maintain:

- records of all teaching staff employed/engaged to deliver NESA curriculum and their accreditation details
- evidence that demonstrates the school implements NESA teacher accreditation policies and procedures to support teachers in attaining and maintaining teacher accreditation.

Schools must have a plan for providing alternative accredited teaching staff when its usual teaching staff are unavailable.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show capacity to comply with requirement B3.1, by:

- having a feasible workforce plan based on projected enrolments
- assuring NESA that all teaching staff who will deliver NESA curriculum will be accredited to teach in NSW
- providing an overview of how they will support teachers to attain and maintain their accreditation in line with NESA teacher accreditation policies and procedures
- outlining a plan for providing alternate accredited staff when regular teaching staff are unavailable.

Education Act

section 47(1)(d)	The school's teaching staff must have the necessary experience and qualifications (having regard to accreditation under the TA Act).

B3.2 Schools may outsource some courses to external providers

Schools may use external providers to deliver courses of study that are part of the curriculum.

Schools may outsource some courses or subjects to external providers, as long as:

- the school where the child is enrolled remains primarily responsible for the student
- the outsourced courses comprise a minority of each student's overall pattern of study (unless approved by NESA).

An external provider is a separate entity to the school and delivers an entire course to the student(s). These courses may be delivered on school premises or elsewhere.

Schools that outsource NESA courses, are still responsible for ensuring that all relevant registration requirements for the courses delivered by the provider are met.

Schools that provide outsourced courses of study for the RoSA or HSC must also comply with accreditation requirements (see C3.2).

Student's pattern of study

The school must ensure that any outsourced courses comprise a minority of courses of each student's overall pattern of study.

However, if NESA determines that there are exceptional circumstances, it may approve a school to outsource more than a minority of courses (refer to D1.5).

Groups of external providers

NESA has categorised external providers into 2 groups based on a risk assessment.

Group A external providers include:

- NSW registered non-government schools
- NSW government schools, including distance education centres
- the NSW School of Languages
- Secondary College of Languages
- TAFE NSW
- NSW school system/sector Registered Training Organisations (RTOs)
- University Developed Board Endorsed Courses (UDBEC) providers.

Group B external providers include:

- RTOs not identified in Group A
- another provider with appropriate scope of registration, qualifications and expertise.

When Group B external providers are engaged, the school is required to determine that the external provider is suitable.

A school may engage any external provider. However, the school must maintain certain records as set out below.

Evidence of compliance for registered schools

For each student, records must be maintained that show either:

- the outsourced courses comprise a minority of the student's overall pattern of study for each Stage of schooling, or
- NESA's approval to outsource more than a minority of the student's overall pattern of study.

Group A external providers

If using Group A external providers, the school must maintain records of:
- student(s) undertaking course(s) studied and name of external provider(s)
- monitoring student progress and attendance.

Group B external providers

For each external provider in Group B, the school must maintain records of:
- the provider's suitability to deliver the course, including their certification by an appropriate agency (where relevant)
- ensuring that the external provider complies with NSW child protection requirements
- an agreement with the external provider, specifying the respective responsibilities of the school and the provider
- ensuring that curriculum requirements are and will be met for the course(s) of study delivered by the provider
- student(s) undertaking the course(s)
- monitoring student progress and attendance.

Capacity to comply: evidence for schools applying for initial registration

An applicant must identify any course(s) that it will outsource to external provider(s) in the first year of operation. If using external providers, the applicant must show capacity to comply with requirement B3.2, including intended procedures for:
- determining the suitability of the external provider(s) to deliver the course(s)
- ensuring that outsourced courses comprise a minority of each student's overall pattern of study for each Stage of schooling
- how records will be maintained
- ensuring that each Group B external provider:
  - complies with the NSW child protection requirements
  - will meet the curriculum requirements
- ensuring the school and any external provider(s) fulfil their respective responsibilities in relation to Group A and/or B requirements.

Education Act

section 47(1)(d)	The school's teaching staff must have the necessary experience and qualifications (having regard to accreditation under the TA Act).

B3.3 Schools may access outside tutors for some courses

Schools may access outside tutors to deliver entire courses of study to students enrolled at the school:
- on school premises or elsewhere
- during or outside school hours.

The Principal must take all reasonable steps to ensure that each outside tutor delivering courses of study to students:
- has the capacity to teach the course
- is suitable to work with children.

An outside tutor is an individual who is approved by a school to deliver a specified course of study that is part of the curriculum (described in Parts 1, 3, 7 and 8 of the Education Act) to students, but is not a member of the school's teaching staff.

Casual teachers are not considered outside tutors. Nor are people who provide specialist expertise for part of a course under the supervision of a teacher.

Even when a school accesses outside tutors, they are still responsible for ensuring that curriculum requirements for the courses taught by the outside tutors are met (see B4.1–B4.3).

A school that uses outside tutors for the RoSA or HSC must also comply with accreditation requirements (see C1.1–C3.3).

Evidence of compliance for registered schools

Schools must have a procedure for how they:

- verify an outside tutor's capacity to teach a course
- ensure outside tutors have a working with children check (WWCC) clearance
- ensure curriculum requirements are, and will continue to be met for the course(s) of study with an outside tutor
- ensure outside tutors comply with the requirements of Part C and the ACE website if delivering RoSA or HSC courses.

Schools must maintain records:

- that the Principal or delegate has seen original qualifications and/or evidence of the relevant experience and expertise of the outside tutor
- that the school has obtained satisfactory referee reports confirming the suitability of the outside tutor
- that the outside tutor has capacity and availability to teach the entire course
- of a verified WWCC clearance for the outside tutor.

Capacity to comply: evidence for schools applying for initial registration

An applicant must identify any course(s) intended to be taught by outside tutor(s) in the first year of operation. If planning to use an outside tutor(s), the applicant must show capacity to comply with requirement B3.3, including intended procedures to:

- verify each outside tutor's capacity to teach the course
- ensure each outside tutor has a WWCC clearance
- ensure that each outside tutor will meet NESA curriculum requirements, and assessment requirements (where relevant)
- maintain the relevant records.

Education Act

section 47(1)(d)	The school's teaching staff must have the necessary experience and qualifications (having regard to accreditation under the TA Act).

B4 Curriculum

B4.1 Curriculum for primary schools (Kindergarten to Year 6)

Primary schools must comply with the NSW minimum curriculum requirements for providing primary education.

The educational program of primary schools must be based on and taught in accordance with the NESA syllabus outcomes for the 6 Key Learning Areas (KLAs) of primary education:

- English
- Mathematics
- Science and Technology
- Human Society and Its Environment
- Creative Arts
- Personal Development, Health and Physical Education.

Schools must have courses of study in each KLA for each student in each Year of schooling that:

- are appropriate for the student's level of achievement and needs
- meet any relevant NESA curriculum guidelines approved by the Minister.

A school's inclusive curriculum planning and teaching practice should promote and support access to educational programs that cater to diverse student needs. This includes culturally responsive teaching and learning for Aboriginal and Torres Strait Islander students, and appropriate adjustments, support and accessible learning opportunities for students with disability and for students with identified learning needs.

Schools must notify NESA about certain changes to their curriculum (see B2.6).

Evidence of compliance for registered schools

Records	Timeframe for retention
Schools must have: ▪ timetables for each Year/class showing the allocation of time and teachers for each KLA ▪ the scope and sequence of learning/units of work that address the outcomes of NESA syllabuses for each KLA ▪ an assessment plan indicating how students' performance in each KLA is assessed, monitored and recorded ▪ an overview of the process for reporting student achievement	for each calendar year of the current registration period
Schools must: ▪ maintain teaching programs for each unit of work for each Year/class that correspond to the scope and sequence of learning/units of work ▪ demonstrate evidence of alignment between NESA syllabuses and the school's curriculum	for the current calendar year

documents, including scope and sequences, teaching programs and assessment plan(s)	
Schools may need to provide samples of student work that demonstrate delivery of the school's curriculum. Schools should be able to draw upon the day-to-day work of students available to them at the time of an inspection	not applicable

Schools must have resources and equipment available for the courses provided in each KLA.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show the capacity to comply with requirement B4.1. For each KLA/course for each year, this includes:

- intended total hours
- intended scope and sequences of learning/units of work and assessment plan(s)
- alignment between proposed curriculum documentation and NESA syllabuses
- the intended reporting process
- the planned resources and equipment.

Education Act

section 7	The identified KLAs for primary education.
section 8(1–2)	Curriculum for primary school children in Kindergarten to Year 6 must meet the minimum curriculum requirements.
section 47(1)(j)(i)	The registration requirements for schools relate to compliance with the requirements set out in Part 3 of the Education Act and the minimum curriculum for schools that provide primary education.
section 47(2)	NESA will have regard to matters relating to the quality of student learning.

B4.2 Curriculum for secondary schools (Years 7 to 10)

Secondary schools must comply with the NSW minimum curriculum requirements for providing secondary education.

The educational program of secondary schools must be based on and taught in accordance with the NESA syllabus outcomes for Years 7–10.

Schools will have courses of study for each student in at least 6 of the 8 KLAs of secondary education:

- English
- Mathematics
- Science
- Human Society and Its Environment
- Languages
- Technological and Applied Studies
- Creative Arts
- Personal Development, Health and Physical Education.

During each Year of schooling, schools must have courses of study for each student in 4 KLAs:

- English
- Mathematics
- Science
- Human Society and Its Environment.

All courses will:

- be appropriate for the student's level of achievement and needs
- meet any relevant NESA guidelines approved by the Minister.

A school's inclusive curriculum planning and teaching practice should promote and support access to educational programs that cater to diverse student needs. This includes culturally responsive teaching and learning for Aboriginal and Torres Strait Islander students, and appropriate adjustments, support and accessible learning opportunities for students with disability and for students with identified learning needs.

Schools accredited for the RoSA must also comply with RoSA requirements (see C1.1).

Schools that are not accredited for the RoSA must write to parents each year to inform them that:

- the school is not accredited to enter students for the RoSA
- students who complete their secondary education at the school will not be eligible for the RoSA credential
- there may be consequences for potential candidates wishing to attain RoSA and/or HSC credentials.

Schools must notify NESA about certain changes to their curriculum (see B2.6).

Evidence of compliance for registered schools

Records	Timeframe for retention
Schools must have: ▪ timetables for each Year/class showing the allocation of time and teachers for each KLA ▪ the scope and sequence of learning/units of work that address the outcomes of NESA syllabuses for each KLA ▪ an assessment plan indicating how students' performance in each KLA is assessed, monitored and recorded ▪ an overview of the process for reporting student achievement ▪ if not accredited for the RoSA, evidence that the school has written to parents informing them that the school is not eligible to enter candidates for the RoSA and the consequences for students	for each calendar year of the current registration period
Schools must: ▪ maintain teaching programs for each unit of work for each Year/class that correspond to the scope and sequence of learning/units of work	for the current calendar year

▪ demonstrate evidence of alignment between NESA syllabuses and the school's curriculum documents, including scope and sequences, teaching programs and assessment plan(s)	
Schools may need to provide samples of student work that demonstrate delivery of the school's curriculum. Schools should be able to draw upon the day-to-day work of students available to them at the time of an inspection	not applicable

Schools must have resources and equipment available for the courses provided in each KLA.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show the capacity to comply with requirement B4.2. For each KLA/course for each year, this includes:

- intended total hours
- intended scope and sequences of learning/units of work and assessment plan(s)
- alignment between proposed curriculum documentation and NESA syllabuses
- the intended reporting process
- the planned resources and equipment
- a description of how the school will inform parents about its ineligibility to enter students for the RoSA (if not applying for accreditation).

Education Act

section 9	The identified KLAs for secondary education in Years 7 to 10.
section 10(1)–(2)	The curriculum for secondary school children in Years 7 to 10 must meet the minimum curriculum for schools providing secondary education for children in Years 7 to 10 who are not candidates for the RoSA.
section 47(1)(j)(ii)	The registration requirements for schools relate to compliance with the requirements set out in Part 3 of the Education Act and the minimum curriculum requirements for secondary schools.
section 47(2)	NESA will have regard to matters relating to the quality of student learning.
section 93(2)	A school that is not accredited must notify parents that candidates are not eligible for the relevant award.

B4.3 Curriculum for secondary schools (Years 11 and 12)

Senior secondary schools must comply with the NSW curriculum for HSC candidates.

Senior secondary schools must deliver:

- an educational program that is based on and taught in accordance with the NESA syllabus outcomes for Stage 6
- courses of study that include English

- courses of study for each student each year that comply with the pattern of study for Year 11 and Year 12 as described on the ACE website.

A school's inclusive curriculum planning and teaching practice should promote and support access to educational programs that cater to diverse student needs. This includes culturally responsive teaching and learning for Aboriginal and Torres Strait Islander students, and appropriate adjustments, support and accessible learning opportunities for students with disability and for students with identified learning needs.

Schools accredited to enter students for the HSC must also comply with the HSC requirements (see C2.1).

Schools that are not accredited for the HSC must write to parents each year and inform them that:
- the school is not accredited to enter students for the HSC
- students who complete Year 12 at the school will not be eligible for an HSC
- there may be consequences for potential candidates wishing to attain the RoSA and/or HSC credentials.

Schools must notify NESA about certain changes to their curriculum (see B2.6).

Evidence of compliance for registered schools

Records	Timeframe for retention
Schools must have: ▪ timetables for each Year/class showing the allocation of time and teachers for each course ▪ the scope and sequence of learning/units of work that address the outcomes of NESA syllabuses for each course ▪ an assessment plan indicating how students' performance in each course is assessed, monitored and recorded ▪ courses of study for each student each year that comply with a pattern of study for Year 11 and Year 12, as described on the ACE website ▪ an overview of the process for reporting student achievement ▪ if not accredited for the HSC, evidence that the school has written to parents informing them that the school is not eligible to enter candidates for HSC and the consequences for students	for each calendar year of the current registration period
Schools must: ▪ maintain teaching programs for each unit of work for each Year/class that correspond to the scope and sequence of learning/units of work ▪ demonstrate evidence of alignment between NESA syllabuses and the school's curriculum documents, including scope and sequences, teaching programs and assessment plan(s)	for the current calendar year

Schools may need to provide samples of student work that demonstrate delivery of the school's curriculum. Schools should be able to draw upon the day-to-day work of students available to them at the time of an inspection	not applicable

Schools must have resources and equipment available for each course provided.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show the capacity to comply with requirement B4.3. For each course for each year, this includes:

- intended total hours
- intended scope and sequences of learning/units of work and assessment plan(s)
- alignment between proposed curriculum documentation and NESA syllabuses
- the intended reporting process
- the planned resources and equipment
- a description of how the school will inform parents about its ineligibility to enter students for the HSC (if not applying for accreditation).

Education Act

section 12(3–4)	Curriculum for HSC candidates includes a pattern of study as per NESA requirements.
section 47(1)(j)(iii)	The registration requirements for schools relate to compliance with the requirements set out in Part 3 of the Education Act and for schools with Year 11 and 12 students, the HSC curriculum.
section 47(2)	NESA will have regard to matters relating to the quality of student learning.
section 93(2)	A school that is not accredited must notify parents that candidates are not eligible for the relevant award.

B4.4 Schools of a kind must cater to the needs of their students

Schools that provide education of a kind, or for children of a kind, must provide a curriculum that caters to the needs of their students.

Children of a kind are defined by the Regulations as:

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

Schools registered to solely provide education of a kind must satisfy NESA that they should be registered for this purpose rather than as a primary or secondary school.

A school may have more than one class of registration (see A2.2). If the school has students of a kind who need special instruction but are capable of successfully undertaking the NSW curriculum for primary or secondary education, they must also seek the relevant primary or secondary class of registration.

A school with more than one class of registration must meet the requirements of each class of registration.

A school's inclusive curriculum planning and teaching practice should promote and support access to educational programs that cater to diverse student needs. This includes culturally responsive teaching and learning for Aboriginal and Torres Strait Islander students, and appropriate adjustments, support and accessible learning opportunities for students with disability and for students with identified learning needs.

Schools that are not accredited for the RoSA and/or HSC must write to parents each year and inform them that:

- the school is not accredited to enter students for the RoSA and/or HSC
- students who complete Year 10 or Year 11 at the school will not be eligible for a RoSA
- students who complete Year 12 at the school will not be eligible for an HSC
- there may be consequences for potential candidates wishing to attain RoSA and/or HSC credentials.



Evidence of compliance for registered schools

Records	Timeframe for retention
Schools must have: ▪ documents certifying that each student undertaking such education of a kind is either a child of a kind under the Regulations, a foreign national or the child of a foreign national ▪ documents recording how the school curriculum meets the needs of its students ▪ timetables for each Year/class showing the allocation of time and teachers for each learning area/course ▪ the scope and sequences of learning/units of work for each learning area/course for each Year/class ▪ an assessment plan that shows how students' performance in each learning area/course is assessed, monitored and recorded ▪ an overview of the process for reporting student achievement ▪ if not accredited for the RoSA and/or HSC, evidence that the school has written to parents informing them that the school is not eligible to enter candidates for the RoSA and/or HSC and the consequences for students	for each calendar year of the current registration period
Schools must maintain teaching programs for each unit of work for each Year/class that correspond to the scope and sequence of learning/units of work	for the current calendar year
Schools may need to provide samples of student work that demonstrate delivery of the school's curriculum. Schools should be able to draw upon the day-to-day work of students available to them at the time of an inspection	not applicable

Schools must have resources and equipment available for each learning area/course provided.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show the capacity to comply with requirement B4.4, including:

- documents describing the children of a kind for whom the school intends to provide an education and explaining how the curriculum will meet student needs
- for each Year/class for each learning area/course, the proposed allocation of hours, intended scope and sequences of learning and assessment plan(s)
- the process for reporting student achievement
- the planned resources and equipment
- a description of how the school will write to parents about the school being ineligible to enter students for the RoSA and/or HSC (if secondary and not applying for accreditation).

Education Act

section 53(1)(c)	The registration certificate may certify the school as providing education for a kind, or for children of a kind, in line with section 8(a)–(b) of the Regulations.

B4.5 NESA may approve syllabus changes for specific reasons

Schools may apply to modify part of a syllabus if it is incompatible with the school's educational philosophy and/or religious outlook. They must apply to NESA 9 months before the proposed start date (see D1.6).

NESA may approve the use of a modified syllabus if it is satisfied that:

- part of a NESA syllabus is incompatible with the school's educational philosophy and/or religious outlook
- the proposed modifications are compatible with the school's educational philosophy and/or religious outlook
- the proposed modifications comply with NESA curriculum guidelines approved by the Minister.

No changes are allowed to the curriculum for the RoSA or HSC.

If NESA does not approve a modification because it is inconsistent with the curriculum guidelines, the school may request a review of that aspect of the guidelines.

Evidence of compliance for registered schools

Schools must have records of:

- NESA's formal approval of the modified syllabus
- the modifications approved by NESA
- the educational philosophy and/or religious reasons for modifying the NESA syllabus
- how the modified syllabus complies with NESA curriculum guidelines approved by the Minister
- curriculum and assessment documentation, for each calendar year of the current registration period that includes the modified syllabus as relevant.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show the capacity to comply with requirement B4.5, including:

- the NESA syllabus to be modified and the proposed modifications
- an explanation of how the NESA syllabus is incompatible with the school's educational philosophy or religious outlook
- an explanation of how the proposed modifications are compatible, comply with the NESA curriculum guidelines and are appropriate for students' level of achievement and needs
- the intended teaching program and assessment plan demonstrating the modifications in the scope and sequences of learning/units of work.

Education Act

sections 8(3), 10(3)	NESA may approve syllabus modifications.

B5 Premises and buildings

B5.1 Premises and buildings must meet standards and be maintained

A school's premises and buildings must be satisfactory and comply with:

- local council requirements
- federal and state government requirements
- legislative and regulatory requirements
- environmental and land use guidelines
- fire safety requirements
- national disability standards.

Schools must be able to assure NESA that their premises and buildings are satisfactory throughout the registration period.

A school's proprietor and Principal have a common law responsibility to ensure that older buildings are also safe for educational purposes.

Schools must notify NESA when there are changes to the school premises and buildings (see B2.6).

Evidence of compliance for registered schools

Schools must:

- maintain written evidence that all school premises and buildings comply with all relevant legislation and requirements, including annual fire safety statements
- maintain evidence of a formal agreement for using a leased premises for at least the period of registration (where relevant)
- have procedures to assess school premises and buildings standard and state of repair
- maintain records showing how the standard and state of repair of the school's premises and buildings is monitored.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show capacity to comply with requirement B5.1. They must provide:

- written evidence that the proposed premises have been approved for their intended purpose
- prior to starting operation, evidence of a formal agreement for using the school premises for at least the initial period of registration
- written evidence that the proposed premises and buildings comply with all relevant legislation at the time of occupation
- prior to starting operation, a copy of the current fire safety statement for the premises
- intended procedures to assess and monitor the standard and state of repair of proposed premises and buildings, with reference to current building requirements.

Education Act

section 47(1)(f)	School premises and buildings must be satisfactory.

B6 Facilities

B6.1 Teaching and learning facilities must be adequate for the curriculum

Schools must ensure that their educational facilities are adequate for the courses of study they provide and the number of students in each course.

Typical teaching and learning facilities include:
- general classrooms
- specialist classrooms
- digital technologies
- a library area
- indoor open space
- indoor or outdoor recreational space.

Evidence of compliance for registered schools

Schools must have adequate facilities for each course of study provided, taking into account:
- the number of students taking each course
- any specialist requirements of each course
- the range of student learning needs.

If a school relies on using an off-site facility for the delivery of a course, the school must have an ongoing written arrangement for use of the facility to ensure the facility is available for the duration of the course.

Schools must maintain records of assessing and monitoring the standard and state of repair of its facilities.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show capacity to comply with requirement B6.1, including a description of how it will ensure:
- the school has the necessary facilities for each proposed course of study
- off-site facilities are available for the duration of each course, if applicable
- assessment and monitoring of the standard and state of repair of its proposed facilities.

Education Act

section 47(1)(e)	Educational facilities must be adequate for the courses of study the school provides.

B7 Enrolment and attendance

B7.1 Schools must keep records of enrolment and attendance

The Principal must keep a register, in a form approved by the Minister, of student enrolments and attendance.

Principals must maintain accurate registers of enrolment and attendance, which can be manual or electronic. Copies of both registers should be backed up and stored off-site regularly.

The attendance register must use the common codes approved by the Minister.

Principals may grant or cancel a certificate of exemption from attendance and enrolment at school in certain circumstances. Principals must keep records of exercising this delegation.

Evidence of compliance for registered schools

Schools must have and implement policies and procedures to:

- enrol students, including all prerequisites for continuing enrolment
- monitor student daily attendance/absence
- identify student absences from school and/or class(es)
- follow up unexplained student absences
- notify parent(s)/guardian(s) about poor school or class attendance
- monitor student attendance data to identify unsatisfactory attendance
- improve unsatisfactory student attendance with intervention strategies to increase engagement in school and learning
- maintain information and records about a student's unsatisfactory attendance
- exercise the Minister's delegation to grant or cancel exemptions. The school must also maintain records of exercising the delegation, including certificates issued under it.

The enrolment policy must be publicly available.

Enrolment register

Principals must maintain an enrolment register that is retained for at least 5 years before archiving and includes all the information set out below.

Information for each student

- name, date of birth and address
- name and contact phone number for parent(s)/guardian(s)
- enrolment date
- leaving date and destination.

Extra information for students older than 6 at the time of enrolment

- pre-enrolment situation or
- previous school (where relevant).

Extra information for students under 17 with an unknown destination at the time of leaving the school

The school must notify the NSW Department of Education and record the date of notification in the enrolment register.

For each student who has left the school with an unknown destination, the following information must be provided:

- full name
- date of birth
- last known address
- last attendance date
- possible destination
- full name of parent(s)/guardian(s)
- contact information for parent(s)/guardian(s)
- Work, Health and Safety risks of contacting parent(s)/guardian(s)/student
- any information that may help locate the student.

Attendance register

Principals must maintain an attendance register that is retained for 7 years after the last entry. The register must record absences using the Minister-approved common codes and include the following information for each student:

- daily attendance or absence
- reason for absence
- evidence to support reason for absence.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show capacity to comply with requirement B7.1, including intended policies and procedures for how they will:

- enrol students, including all prerequisites for continuing enrolment
- maintain an enrolment register that includes all mandatory information
- monitor, manage, notify and maintain student daily attendance and absences in accordance with the Minister's expectations
- monitor and maintain information about unsatisfactory attendance
- propose strategies to improve unsatisfactory attendance
- exercise and maintain records of the Minister's delegation to grant or cancel exemptions.

The proprietor must certify that the school's enrolment policy will be publicly available.

Education Act

section 24	The Principal must keep a register, in a form approved by the Minister, of the enrolments and daily attendance of all children at the school.
section 25	The Minister may grant a certificate of exemption.
section 47(1)(g)(iv)	A safe and supportive environment includes maintaining a student enrolment and attendance register.

B8 Safe and supportive environment

B8.1 Schools must meet child protection requirements

Schools must ensure they meet legislative obligations for child protection.

Schools must know and comply with their obligations under the following NSW laws:

- *Child Protection (Working with Children) Act 2012* (the Working with Children Act), which sets out a school's responsibility to obtain working with children check (WWCC) clearances for all people engaged in child-related work and verify WWCC clearances with the Office of the Children's Guardian (OCG)
- *Children and Young Persons (Care and Protection) Act 1998* (the Care and Protection Act), which sets out the responsibilities of mandatory reporters and the responsibilities of schools to identify and report child protection concerns to the NSW Department of Communities and Justice where reasonable grounds exist to suspect a child is at risk of significant harm
- *Children's Guardian Act 2019* (the Children's Guardian Act), which sets out a school's responsibility to prevent and identify reportable conduct by employees and respond to any instances by investigating and reporting to the OCG.

Child-related work (including voluntary work) is:

- providing services for children and young people under 18
- where the work normally involves being face to face with children
- where contact with children is more than incidental to the work.

Mandatory reporters include a person:

- who, in the course of their professional work or other paid employment delivers health care, welfare, education, children's services, residential services, and law enforcement, wholly or partly, to children
- who holds a management position where the duties include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, and law enforcement, wholly or partly, to children
- in religious ministry, or a person providing religion-based activities to children
- who is a registered psychologist providing a professional service as a psychologist.

Evidence of compliance for registered schools

Working with children checks

Schools must have and implement policies and procedures that comply with the Working with Children Act to:

- ensure all people in child-related work have a current WWCC clearance
- verify WWCC clearances for all people in child-related work prior to a person's employment and following renewal of a WWCC clearance
- ensure evidence of verifying WWCC clearances is maintained.

Mandatory reporting of risk of significant harm

Schools must have and implement policies and procedures that comply with the Care and Protection Act, including how to identify and respond to concerns about students at risk of significant harm.

Reportable conduct

Schools must have and implement policies and procedures that comply with the Children's Guardian Act to:

- prevent reportable conduct
- identify reportable conduct
- report allegations of reportable conduct
- investigate reportable allegations
- report the findings of each investigation.

Informing staff annually

Schools must have and implement policies and procedures to ensure that at least every 12 months:

- staff who have direct contact with students are informed of their legal obligations for child protection and other relevant school expectations
- staff who are mandatory reporters under the Care and Protection Act are informed of their obligations and the school's procedure for making reports for students who are at risk of significant harm
- staff are informed about the school's policies and procedures to prevent, identify and report allegations of employee reportable conduct in compliance with the Children's Guardian Act.

Stakeholder complaints about staff conduct

Schools must have and implement clear guidelines and expectations for stakeholders regarding:

- how to raise complaints or allegations of staff misconduct or employee reportable conduct
- how the school will respond to complaints or allegations of staff misconduct or employee reportable conduct allegations and convictions.

A school must make its child protection policies and stakeholder complaint procedures regarding staff misconduct and employee reportable conduct publicly available.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show capacity to comply with requirement B8.1, including intended policies and procedures about how the school will:

- verify WWCC clearances for all people in child-related work
- manage their mandatory reporting obligations
- manage reportable conduct matters
- ensure staff are informed of their legal obligations at least every 12 months
- set guidelines and expectations for stakeholders to raise allegations of staff misconduct and employee reportable conduct
- respond to complaints or allegations of staff misconduct or employee reportable conduct allegations and convictions.

The proprietor must certify that they will make child protection policies and stakeholder complaint procedures regarding staff misconduct and employee reportable conduct publicly available.

Education Act

section 47(1)(g)(ii)	Persons must be employed at the school in line with Part 2 of the *Child Protection (Working with Children) Act 2012*.
section 47(1)(g)(iii)	School policies and procedures must ensure compliance with relevant notification requirements in line with Part 4 of the *Children's Guardian Act 2019* and the *Child Protection (Working with Children) Act 2012*.

B8.2 Schools must provide for student welfare

Schools must have policies and procedures that provide for student welfare and ensure a safe and supportive environment.

A safe environment for students is one where the risk of harm is minimised and students feel secure.

Sources of harm may include but are not limited to:

- dangers in the built environment, involving architecture and construction, lighting, space, facilities and safety plans
- violence, physical threats, verbal abuse, threatening gestures, sexual harassment and racial vilification.

A supportive environment fosters students' social, academic, physical and emotional development, where:

- students are treated with respect and fairness by teachers, other staff and peers
- members of the school community feel valued
- effective teaching and learning takes place
- staff and students provide positive support and encouragement
- the school community defines, models and reinforces non-discriminatory language and behaviours
- students can participate in decisions that affect their education and welfare.

Student welfare encompasses mental, physical and emotional wellbeing. Welfare policies and programs, including attendance engagement strategies (see B7.1), are essential for developing students' sense of self-worth and fostering personal development.

Student welfare could include:

- programs that meet students' personal, social and learning needs
- effective student behaviour management and discipline
- monitoring attendance and using strategies to improve unsatisfactory attendance
- early intervention programs for students at risk
- student, family and community support networks
- opportunities for students to enjoy success and recognition, contribute positively to the life of the school and enjoy their learning.

Safe and supportive schools are inclusive and cater for the diversity of students and their safety and welfare needs. Student welfare policies should be culturally responsive, ensuring cultural safety for all students, including Aboriginal and Torres Strait Islander students, as well as strategies for the safety and wellbeing of students with disability and for students with identified learning needs.

Evidence of compliance for registered schools

Codes of conduct

A school must have and implement codes of conduct for members of the school community that include the:

- rights and responsibilities of students
- rights and responsibilities of all persons employed or engaged, including as a volunteer, by the school, including prohibition of hate speech.

Security and supervision

Schools must have and implement procedures for:

- the security of students, buildings and facilities
- critical incidents and emergencies, including evacuation
- student supervision with specific reference to protocols, guidelines and risk management for students undertaking on-site and off-site activities
- staff supervision of a student leadership system (if student leaders have authority to discipline or direct other students).

Student behaviour

Schools must have and implement policies and procedures for:

- behaviour management
- anti-bullying, including how to identify and respond to allegations of bullying.

The school must make the anti-bullying policy publicly available.

Students with disability and learning needs

Schools must have and implement policies and procedures for:

- identifying students with disability and learning needs
- providing support for students with disability and learning needs.

Student wellbeing

Schools must have:

- a procedure for managing identified health needs of students and the distribution and storage of medication
- personnel responsible for student wellbeing and pastoral care, including access to internal and/or external services for counselling.

Complaints

Schools must have and implement a policy and procedure for managing complaints from students and/or parents that includes:

- how to raise a concern
- how the school responds to concerns.

The school must make the complaints policy publicly available.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show capacity to comply with requirement B8.2, including the intended:

- codes of conduct
- security and supervision procedures
- student behaviour and anti-bullying policies and procedures
- students with disability and learning needs policies and procedures

- student wellbeing procedures and personnel
- complaints policy and procedure.

The proprietor must certify that they will make the school's anti-bullying and complaints policies publicly available.

Education Act

section 47(1)(g)(i)	School policies and procedures that make provision for student welfare enable a safe and supportive environment for students.

B9 Discipline

B9.1 Disciplinary action must be based on procedural fairness

A school's student discipline policy must be based on principles of procedural fairness.

The school is responsible for identifying:
- incidents that may require disciplinary action
- the nature of any subsequent action or disciplinary measures that may apply.

The Education Act requires that student discipline policies are based on procedural fairness. This is particularly important when a consequence is:
- suspension – temporarily removing a student from all their normal classes
- expulsion – permanently removing a student from the school
- exclusion – preventing a student's enrolment at another school, where an exclusion policy or agreement exists between schools.

Everyone has a basic right to procedural fairness when dealing with authorities. Procedural fairness involves 2 key concepts:
- the 'hearing rule'
- the 'right to an unbiased decision'.

The **hearing rule** is the right of the person who has had allegations made against them to:
- know the specific allegations and any other information which will be taken into account when considering the matter
- know the process for considering the matter
- respond to the allegations
- know how to seek a review of the decision made in response to the allegations.

The **right to an unbiased decision** is the right to:
- an impartial investigation and decision-making process
- an unbiased decision-maker.

In schools, procedural fairness includes:
- giving students and parents or guardians a copy of the school's discipline policy and procedure
- providing details of a specific allegation, which may include an outline of allegations made in witness statements
- considering protecting the identity of witnesses
- providing an interpreter for parents or guardians who need one.

It is preferable for different people to carry out the investigation and decision-making, but this is not always possible.

While it is difficult to combine the roles of investigator and adjudicator, it is acceptable to do so given the nature of the Principal's responsibilities. In this case, the Principal must be reasonable and objective, act justly and be seen to do so.

However, if possible, schools should have another appropriate officer (such as an assistant Principal or independent person) conduct the investigation. The independent review mechanism adds to the fairness of the process.

In serious matters where a Principal is considering a long suspension, expulsion or exclusion, they must emphasise procedural fairness by:

- offering to have a support person or observer at formal interviews
- recording the key points of interviews and discussions in writing.

Corporal punishment is not permitted

Corporal punishment is not permitted in schools.

Policies must either:

- expressly prohibit corporal punishment, or
- clearly and exhaustively list the school's discipline methods, plainly excluding corporal punishment.

A school cannot explicitly or implicitly sanction corporal punishment by non-school persons (such as parents) to enforce discipline.

Evidence of compliance for registered schools

Schools must have and implement a discipline policy and procedure that:

- defines suspension, expulsion and if relevant, exclusion
- is based on procedural fairness
- either expressly prohibits corporal punishment or clearly and exhaustively lists the school's discipline methods, plainly excluding corporal punishment
- does not explicitly or implicitly sanction corporal punishment by non-school persons (such as parents) to enforce discipline at the school.

The discipline policy must be publicly available.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show capacity to comply with requirement B9.1, including the intended policy and procedure for discipline outlining:

- a definition of suspension, expulsion and if relevant, exclusion
- procedures based on procedural fairness
- that the school either expressly prohibits corporal punishment or clearly and exhaustively lists the school's discipline methods, plainly excluding corporal punishment
- that the school does not explicitly or implicitly sanction corporal punishment by non-school persons (such as parents) to enforce discipline at the school.

The proprietor must certify that the school's discipline policy will be publicly available.

Education Act

section 47(1)(h)	School policies relating to discipline of students attending the school are based on principles of procedural fairness and do not permit corporal punishment of students.

B10 Boarding facilities

B10.1 Schools may provide boarding facilities for students

A school providing boarding facilities, whether itself or by contractual arrangement, must have school policies and procedures that ensure the safety and welfare of boarders.

A school with boarding facilities is one that regularly provides overnight accommodation for students, either itself or by contract, where the students are enrolled as boarders at the school.

Boarding facilities do not include accommodation for day students during a brief school trip that is not on the school premises.

Schools wanting to provide boarding facilities are required to seek approval from NESA. They must apply in RANGS Online 9 months before the proposed start date (see D1.8).

Schools with approval for boarding facilities must comply with all registration requirements (B1–B9).

Boarding policies and procedures may be discrete or integrated with the school's policies. Where they are integrated, they must provide appropriate and relevant context and procedural detail about boarding school operations.

Schools with boarding facilities must:

- ensure boarders' rights and responsibilities are defined
- ensure boarding staff meet child protection requirements (see B8.1)
- inform and train staff responsible for supervising boarders in all relevant school and boarding policies to ensure the safety and welfare of boarders
- communicate certain information about boarding to stakeholders (parents and guardians) with an interest in boarders' education and welfare
- provide for a safe and supportive environment (see B8.2)
- monitor boarders' personal safety, health and wellbeing.

Day-to-day management of boarding accommodation and facilities must protect boarders and meet legal requirements (see B5.1 and B6.1). Schools with boarding facilities must maintain written evidence that their boarding premises and/or buildings comply with all relevant legislation. Whether a school provides boarding facilities itself or through a contract, the school must have policies and procedures to ensure the safety and welfare of boarders.

Schools with boarding facilities must have a code of conduct and policies that define and manage student rights, responsibilities, behaviour and discipline. Where day school policies apply, contextual detail must be included about how the policy applies in the boarding facility. For example, in boarding facilities:

- suspension means temporarily removing a student from the boarding facilities that they would normally use
- expulsion means permanently removing a student from the boarding facilities of the school.

Boarding schools must notify NESA when there are certain changes to its boarding staff and/or facilities, as set out in B2.6.

Evidence of compliance for registered schools with boarding facilities

Boarders' rights and responsibilities

Boarding schools must have and implement policies and procedures for managing boarders, including:

- codes of conduct describing boarders' rights and responsibilities
- student behaviour and discipline if different from the day school policies.

Inform and train staff

Boarding schools must have and implement procedures to ensure that boarding staff:

- know about and can access current school policies and procedures including up-to-date staff handbooks if relevant
- are trained in first aid to the equivalent of unit HLTAID011 (Provide first aid)
- are informed annually of their child protection legal responsibilities (see B8.1).

Communicate with stakeholders

Boarding schools must communicate with stakeholders of the boarding community and make available information about:

- the school's aims and guiding principles for boarding
- the facilities and organisation of the boarding school (for example, co-educational, weekday-only boarding)
- the complaints-handling process that describes how concerns can be raised and the school's process for responding to concerns if different from the day school policies
- managing student behaviour and discipline
- any boarding policies that differ to day school policies.

Provide safe and secure accommodation

Boarding schools must have and implement policies and procedures to protect boarders that include:

- 24-hour security for boarders, buildings and facilities
- identify staff responsible for boarders over each 24-hour period
- protocols and guidelines (including risk management) for boarders' on-site and off-site activities
- protocols for boarders' leave and travel arrangements
- 24-hour monitoring of boarders' whereabouts
- how to respond to critical incidents and emergencies if different from the day school policies.

Boarders' health and wellbeing

Boarding schools must have and implement policies and procedures that:

- ensure access to facilities, personnel and programs for physical activity
- ensure catering meets the Australian Dietary Guidelines
- include monitoring boarders' physical health
- ensure 24-hour access to emergency medical assistance
- include consent and notification protocols for administering first aid and medical care, and distributing and monitoring medication
- include managing communicable and infectious diseases
- include managing immunisation and screening
- ensure the care of ill boarders
- ensure access to ancillary health services, including facilities and personnel available on-site and off-site and how to access these services

- identify personnel responsible for boarders' welfare and/or pastoral care
- identify support services for boarders, including those with disability or special needs
- ensure access to counselling where required
- ensure access to help with schoolwork.

If boarders have a leadership system where student leaders have authority to discipline or direct other students, the school must have and implement a policy and procedure to ensure appropriate staff monitoring and supervision of the system.

Capacity to comply: evidence for schools applying for initial boarding

An applicant must show capacity to comply with the requirements B10.1, including the intended:

- policies and procedures for boarders' rights and responsibilities
- procedures for how staff will be informed and trained
- mechanisms for communicating with stakeholders
- policies and procedures for safe and secure accommodation
- policies and procedures related to the health and wellbeing of boarders.

Education Act

section 47(1)(i)	A school providing boarding facilities, whether itself or by contractual arrangement, must have school policies and procedures that ensure the safety and welfare of boarders.

B11 Distance education

B11.1 Schools may provide courses by distance education

A school may provide courses by distance education to students enrolled as a distance education student at the school.

Distance education involves the delivery of courses when teachers and students are not typically together on the school premises. Instead, they communicate by electronic, print or other means.

Distance education does not include:
- the provision of units of work/activities for a student who has been granted leave by the Principal
- courses of study outsourced to an external provider or outside tutor.

Schools that wish to deliver more than half of a student's courses of study across a Stage of schooling (a significant part) by distance education are required to seek approval from NESA. The school must apply in RANGS Online 9 months before the proposed start date (see D1.8).

Schools with approval to deliver courses by distance education must:
- comply with all registration requirements (B1–B9), including for student welfare
- have policies and procedures to ensure the personal and social development of students enrolled in distance education
- comply with the relevant curriculum requirements and facilitate opportunities for students to achieve course outcomes related to practical course components and practical work.

Schools are also required to ensure students are adequately supervised. Responsibilities of a home supervisor typically include that they:
- liaise with the school about the student's program of learning
- supervise the student during learning activities
- ensure adequate resources are available
- ensure the student follows their courses with diligence and sustained effort
- provide feedback to the school about student progress
- supervise assessment tasks as required by the school.

Distance education policies and procedures may be discrete or integrated. Where they are integrated, they must provide appropriate and relevant context with procedural detail about the school's distance education operations.

Schools must notify NESA when they intend to change their distance education arrangements (see B2.6).

Evidence of compliance for registered schools approved for distance education

Schools must have and implement policies and procedures for:
- the mode of course delivery, including how students can achieve practical course outcomes
- distance education enrolment if different from the day school policy, including all prerequisites for continuing enrolment (must be publicly available)
- monitoring student participation
- opportunities for students to engage in school activities
- home supervisor eligibility, responsibilities and guidelines
- communication and contact between teachers, students and home supervisors

- authenticating student work
- monitoring students' personal and social development
- providing access to support personnel, such as a counsellor, to assist with student personal and social development.

Information for stakeholders

Schools must provide the following information to stakeholders:

- school aims
- all policies relevant to distance education
- role and responsibilities of the school, staff and parents/guardians
- communication mechanisms and complaints-handling processes
- learning and social support services for students
- assessment policies and procedures.

Curriculum

Schools must meet the requirements relevant to its registration listed in B4.1–4.3 and if applicable, accreditation in Part C.

Student records

For each student, schools must have records of:

- student participation
- learning progress in each course
- regular communication with teachers
- formal supervision of any external exams.

Capacity to comply: evidence for schools applying for initial registration

An applicant must show capacity to comply with requirement B11.1 and all other registration requirements, including the intended:

- distance education policies and procedures
- information for stakeholders
- list of courses the school proposes to deliver on-site and by distance education
- curriculum documentation related to the applicable Years of schooling
- description of course delivery with information about mode of delivery and procedures for how students can achieve practical course outcomes
- plan for how records will be maintained.

Education Act

section 3(1)	Distance education is a form of education in which students and teachers are not regularly in the presence of each other but communicate with each other in writing, by print or by electronic or like means.
section 47(1)(k)	School policies and procedures must ensure the personal and social development of students who are undertaking all or a significant part of their courses of study by distance education.

Part C: Accreditation requirements

Part C summary

Part C details the accreditation requirements that must be met by non-government schools if offering courses for the RoSA and/or HSC under the Education Act.

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C1 Curriculum for the RoSA

C1.1 Schools may offer courses for the RoSA

Accreditation enables a school to enter candidates for the RoSA. Accreditation is optional and in addition to a school's registration. The school must also be registered for the relevant Years of schooling.

Schools offering courses for the RoSA must follow NESA syllabuses and comply with RoSA requirements in addition to the curriculum registration requirements outlined in B4.2.

The curriculum for RoSA candidates in Years 7 to 10 must meet the requirements of the Education Act.

The school's curriculum must be taught in accordance with a NESA syllabus and meet the study requirements for each KLA.

Schools must adhere to the rules, requirements and procedures detailed on the ACE website and in NESA Official Notices.

Evidence of compliance for accredited schools

Records	Timeframe for retention
Schools must have: ▪ a policy and procedure to monitor each student's compliance with the RoSA eligibility requirements ▪ timetables for each Year/class showing the allocation of time and teachers ▪ evidence of the total number of hours allocated to each course ▪ the scope and sequence of learning/units of work for each course, mapped against the outcomes and content of the relevant NESA syllabus ▪ assessment policies and procedures in accordance with the ACE website, including procedures for allocating grades in each Year 10 course and how records are maintained ▪ an overview of the process for reporting student achievement	for each year throughout the current accreditation period
Schools must: ▪ maintain teaching programs for each unit of work for each Year/class that correspond to the scope and sequence of learning/units of work ▪ demonstrate evidence of alignment between NESA syllabuses and the school's curriculum documents, including scope and sequences, teaching programs and assessment plan(s)	for each calendar year of the current accreditation period

Schools may need to provide samples of student work that demonstrate delivery of the school's curriculum. Schools should be able to draw upon the day-to-day work of students available to them at the time of an inspection	not applicable

The school must have resources and equipment available for each course provided.

Capacity to comply: evidence for schools applying for initial accreditation

An applicant must show the capacity to comply with requirement C1.1. This includes the intended:

- policies and procedures to monitor each student's compliance with the RoSA eligibility requirements
- total allocation of hours for each course
- scope and sequence of learning/units of work for each course
- alignment between NESA syllabuses and the school's proposed curriculum documents
- assessment policies and procedures in accordance with the ACE website, including procedures for allocating grades for each Year 10 course
- process for reporting student achievement
- resources and equipment available for each course.

The applicant must be able to demonstrate alignment between NESA syllabuses and the school's proposed curriculum documents.

Education Act

section 11	Candidates for the RoSA must meet the minimum requirements.

C2 Curriculum for the HSC

C2.1 Schools may offer courses for the HSC

Accreditation enables a school to enter candidates for the HSC. Accreditation is optional and in addition to a school's registration. The school must also be registered for the relevant Years of schooling.

Schools offering the HSC must follow NESA syllabuses and comply with HSC requirements in addition to the curriculum registration requirements outlined in B4.3.

The curriculum for HSC candidates must meet the requirements of the Education Act.

The school's curriculum must be taught in accordance with a NESA syllabus and meet the pattern of study requirements.

Schools must adhere to the rules, requirements and procedures detailed on the ACE website and in NESA Official Notices.

Evidence of compliance for accredited schools

Records	Timeframe for retention
Schools must have: ▪ a policy and procedure to monitor each student's compliance with the HSC eligibility requirements ▪ timetables for each Year/class showing the allocation of time and teachers ▪ evidence of the total number of hours allocated to each Preliminary and HSC course ▪ courses of study for each student that comply with the Preliminary and HSC pattern of study ▪ the scope and sequence of learning/units of work for each course, mapped against the outcomes and content of the relevant NESA syllabus ▪ assessment policies in accordance with the ACE website, including procedures for: – providing students with written advice about the school's requirements for assessment in each course, detailing the number and types of assessment tasks, components and weightings, and schedule of tasks – allocating grades in each Preliminary course – marking, recording and advising students of their achievement in assessment tasks – managing malpractice, absence from an assessment task, late submission due to illness or misadventure, and invalid or unreliable tasks – students appealing against assessment rankings – making 'N' determinations	for each year throughout the current accreditation period

▪ an overview of the process for reporting student achievement	
Schools must: ▪ maintain teaching programs for each unit of work for each Year/class that correspond to the scope and sequence of learning/units of work ▪ demonstrate evidence of alignment between NESA syllabuses and the school's curriculum documents, including scope and sequences, teaching programs and assessment plans	for each calendar year of the accreditation period
Schools may need to provide samples of student work that demonstrate delivery of the school's curriculum. Schools should be able to draw upon the day-to-day work of students available to them at the time of an inspection	Not applicable

The school must have resources and equipment available for each course provided.

Capacity to comply: evidence for schools applying for initial accreditation

An applicant must show the capacity to comply with requirement C2.1. This includes the intended:

- policies and procedures to monitor each student's compliance with the HSC eligibility requirements
- total number of hours allocated to each Preliminary and HSC course
- scope and sequence of learning/units of work for each course
- assessment policies and procedures in accordance with the ACE website (as detailed above)
- process for reporting student achievement
- resources and equipment available for each course.

The applicant must be able to demonstrate alignment between NESA syllabuses and the school's proposed curriculum documents.

Education Act

section 12	Candidates for the HSC must meet the minimum requirements.

C3 Quality of the educational program

Schools accredited for the RoSA and/or HSC must be able to demonstrate the quality of their educational program.

In deciding whether a school meets the accreditation requirements, NESA assesses the quality of the school's educational program, including:

- students' records of achievement (see C3.1)
- the standard of teaching (see C3.2)
- the facilities provided (see C3.3).

C3.1 Schools must maintain records of student achievement

Schools must have processes to maintain records of student achievement.

A school's records of student achievement may include:

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

Evidence of compliance for accredited schools

Schools must have and implement a process for maintaining records of students' achievement.

Capacity to comply: evidence for schools applying for initial accreditation

An applicant must show evidence of capacity to comply with requirement C3.1, including the intended process for maintaining records of students' achievement.

Education Act

section 92(1)(a)	NESA considers students' records of achievement when deciding whether a school complies (or will comply) with the requirements for offering RoSA and HSC courses of study.

C3.2 Schools must demonstrate the standard of teaching

Accredited schools must have the capacity to deliver high quality teaching for its courses.

A school's standard of teaching is typically demonstrated by showing the alignment between:

- syllabus outcomes and content
- scope and sequence of learning/units of work
- teaching programs and learning activities
- assessment plans/schedules and records, and
- student work.

When schools access external providers or outside tutors to deliver a RoSA or HSC course, the school must ensure that all relevant course requirements are met for each student as detailed in NESA syllabuses and the ACE website.

Evidence of compliance for accredited schools

Schools must have and implement a process for maintaining records that demonstrate their standard of teaching.

For each student undertaking one or more courses with an external provider or outside tutor, schools must have and implement a process for maintaining records that include:

- evidence that each student's pattern of study meets RoSA and/or HSC eligibility requirements
- a written statement from Group B external providers and/or outside tutors that they will teach the course in line with NESA syllabuses
- confirmation that the assessment program for each RoSA or HSC course taught by Group B external providers and/or outside tutors meets the requirements of the ACE website and relevant NESA Official Notices.

Capacity to comply: evidence for schools applying for initial accreditation

An applicant must show evidence of capacity to comply with requirement C3.2, including a document outlining the intended process for demonstrating the standard of teaching of the school's courses.

Education Act

section 92(1)(b)	NESA considers the standard of teaching of the courses at a school when deciding whether it complies (or will comply) with the requirements for offering courses of study for the RoSA and HSC.

C3.3 Facilities must be adequate for the courses taught at the school

Schools must ensure that their educational facilities are adequate to meet all mandatory requirements for the courses of study they offer.

In addition to the requirements listed in B6.1, schools must assure NESA that they have adequate educational facilities to meet the mandatory requirements for each RoSA and/or HSC course of study they offer.

Evidence of compliance for accredited schools

A school must have the facilities needed for each RoSA and/or HSC course it offers, taking into account:

- the number of students taking each course
- any specialist requirements of each course
- the range of student learning needs.

If facilities are accessed off-site, there must be an ongoing written arrangement ensuring the facilities are available for the duration of each course.

Capacity to comply: evidence for schools applying for initial accreditation

An applicant must show capacity to comply with requirement C3.3, including evidence of the facilities needed for each of its intended courses, taking into account:

- potential student numbers
- any specialist requirements of each course
- the range of student learning needs
- the need for an ongoing written arrangement to ensure that any off-site facilities are available for the course's duration.

Education Act

section 92(1)(c)	NESA considers a school's facilities for courses of study when deciding whether it complies (or will comply) with the requirements for offering RoSA and HSC courses of study.

Part D: Registration and accreditation process

Part D summary

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D1 Applications

D1.1 NESA processes registration and accreditation applications

NESA administers the registration and accreditation process for schools.

NESA's process includes:
- considering a school's application
- assessing evidentiary materials provided by the school
- an inspection visit to the school or site if required
- writing a report and recommendations if required
- submitting the report and recommendation(s) to the Committee.

The Committee, with delegated authority from the NESA Board, makes recommendations:
- to the Minister regarding a school's registration
- to the NESA CEO regarding a school's accreditation.

NESA notifies schools of the outcome of their application and issues the relevant certificates.

See D1.8 for a full description of the application process.

D1.2 Initial applications are due by 31 March the year before operation

Registration

Proprietors of non-government schools must apply for initial registration by 31 March the year before they wish to start:
- operating a new school
- offering new Years of schooling at an existing school.

For existing schools seeking to operate boarding facilities or offer courses by distance education for the first time, they must also apply 9 months before intending to commence.

The applicant must show that they have the capacity to meet the initial registration requirements set out in Part B.

Accreditation

New and existing schools intending to present candidates for the RoSA and/or HSC for the first time must also apply for initial accreditation by 31 March the year before the school starts offering the courses.

Accreditation begins from Year 7 for the RoSA and from Year 11 for the HSC.

The applicant must show that they have the capacity to meet the initial accreditation requirements set out in Part C.

Application process

NESA will process applications in line with the procedures set out in D1.8.

Initial registration and accreditation is:
- provisional
- for a maximum of one year (the period specified on certificate(s)).

New schools, or new Years of schooling, cannot start operating until the dates specified in their approved application and they have received their:

- Certificate of Registration
- Certificate of Accreditation (where applicable).

During the initial year of operation, the school may apply to renew their registration and if applicable, accreditation (see D1.3).

Education Act

section 49	Proprietors proposing a new school must apply for initial registration by 31 March the year before the school starts operating.
section 85	Schools may apply to NESA for accreditation to present candidates for the RoSA and/or HSC.

D1.3 Renewal applications are due by 31 March in the year of expiry

Registration

Schools must apply for registration renewal at least 9 months before their registration expires.

Schools must show that they:

- continue to satisfy the registration requirements (set out in Part B)
- have complied with the terms of such registration.

Accreditation

If relevant, schools must also apply for accreditation renewal at least 9 months before their accreditation expires.

Schools must certify that they continue to satisfy the requirements for accreditation (set out in Part C).

Application process

NESA will process applications in line with the procedures set out in D1.8.

Registration and accreditation may be renewed for maximum periods of 5 years. An accreditation period typically corresponds to the school's registration period.

Education Act

section 54A	Schools must apply to renew their registration at least 9 months before expiry.
section 57	The maximum renewal period for registration is 5 years, as specified on the certificate.
section 87	The maximum period that a school can be accredited for is 5 years. A school's accreditation period may correspond to its registration period unless NESA considers this inappropriate.

D1.4 Schools may apply for an exemption of registration on religious grounds

If a school conscientiously objects to registration on religious grounds, it may apply to NESA to seek the Minister's approval for an exemption from registration for that school.

The Minister may grant an exemption if satisfied that the school would meet the registration requirements (had an application for registration been made). Exemptions are granted for maximum periods of 5 years.

Schools that have been granted exemption from registration must meet the registration requirements detailed in Part B. The assessment and recommendation processes described in D1.2 and D1.3 apply for exemption from registration applications.

Schools exempted from registration are regarded as registered and can therefore seek accreditation for the award of the RoSA and/or the HSC (see Part C).

Should NESA make a recommendation to refuse an application to be exempt from registration, the school may appeal NESA's recommendation following the processes set out in D4.1–D4.3.

Education Act

section 75(a)(b)	A school may be granted exemption from registration.
section 80	Exempted schools are to be regarded as registered.

D1.5 Schools may apply to outsource more than a minority of courses

As set out in B3.2, a school may outsource some courses to external providers if they comprise a minority of each student's overall pattern of study.

However, in exceptional circumstances, a school may apply to NESA to outsource courses that comprise more than a minority of the overall pattern of study.

The application must:

- describe the exceptional circumstances
- explain the educational program and how it meets the needs of the student(s)
- identify the external provider(s)
- identify the courses that it intends to outsource
- provide assurance that it will meet all the other registration requirements, including maintaining primary responsibility for the student(s)
- meet the accreditation requirements set out in C3.2 (if the outsourced courses of study are for the RoSA and/or HSC).

NESA may grant approval if it determines that there are exceptional circumstances and outsourcing more than a minority of courses is necessary to provide an appropriate educational program for students.

To apply, a school should email NESA at schoolrego@nesa.nsw.edu.au.

D1.6 Schools may apply to modify part of a NESA syllabus

A school may apply to NESA to modify a NESA syllabus. The application must be made 9 months before the school intends to deliver curriculum based on the modified syllabus.

Schools cannot amend curriculum for the RoSA or HSC.

The information and documentation needed for the application is set out in B4.5.

To apply, a school should email NESA at schoolrego@nesa.nsw.edu.au.

Typically, NESA will process these requests by:
- acknowledging it has received the submission
- reviewing the submission and any attachments
- discussing the submission with the school
- examining any further information, where relevant
- writing a report with recommendation(s)
- forwarding the report, advice and any recommendation(s) to the school for comment
- submitting the report, advice and recommendation(s) (and where relevant, any comment) to the Committee
- sending NESA's decision to the school.

In the event that NESA refuses an application, the applicant may seek a review of the curriculum guidelines.

Education Act

sections 8(3), 10(3)	NESA may approve syllabus modifications.

D1.7 Schools may apply to be recognised as a Special School or Special Assistance School

NESA makes recommendations about schools being recognised as a Special School or Special Assistance School under the *Australian Education Act 2013*.

A Special School is a school that has been, or is likely to be, recognised by the Minister as providing special education for students with a disability.

A Special Assistance School is a school that has been, or is likely to be, recognised by the Minister as primarily catering for students with social, emotional or behavioural difficulties.

Recognition is in addition to a school's class of registration. Therefore, schools seeking recognition should do so at the same time as seeking initial or renewal of registration.

Special Schools will be required to demonstrate they (or for initial approval, will):
- enrol students using the disability criteria prescribed by the NSW Department of Education, and
- employ teachers with appropriate qualifications and experience to teach the students enrolled.

Special Assistance Schools will be required to demonstrate they (or for initial approval, will) primarily enrol students with social, emotional or behavioural difficulties.

D1.8 Schools submit applications on RANGS Online for NESA to assess

Schools must submit the relevant application form through RANGS Online:

- initial registration/accreditation for a proposed new school
- initial registration/accreditation for an existing school seeking new Years of schooling
- initial application to commence operation of boarding facilities
- initial application to commence distance education
- renewal of registration/accreditation
- recognition as a Special School or Special Assistance School.

Initial applications

Information is available on the NESA website for applicants seeking initial registration for a proposed new school.

Applicants who do not have access to RANGS Online should email NESA at schoolrego@nesa.nsw.edu.au.

Renewal applications

A school seeking renewal of its registration may concurrently apply for:

- renewal of accreditation
- initial accreditation
- initial registration of new Years of schooling
- boarding facilities
- distance education
- recognition as a Special School or Special Assistance School.

The school will provide the relevant details in the registration renewal form.

Any documents required to support an application may be:

- uploaded in the relevant RANGS Online application form, and/or
- provided by granting NESA access to documentation on the school's network.

Applicants who wish to discuss applications or need help using or accessing RANGS Online should email NESA at schoolrego@nesa.nsw.edu.au.

NESA's risk-based approach

NESA applies a risk framework to all its regulatory activities.

Before renewing a school's registration, NESA completes a risk assessment. This:

- is based on information available at the time
- is separate to the process of forming an opinion about a school's compliance
- helps NESA allocate resources efficiently.

In its risk assessment, NESA considers factors such as:

- years of operation
- a school's management and operational context
- a school's history of compliance with registration and accreditation requirements
- any other relevant information.

Depending on the outcome of its risk assessment, NESA will determine:

- the breadth and depth of material that a school will need to provide in their application
- whether an inspection visit is needed
- the materials to be reviewed during an inspection visit, where relevant.

If an inspection visit is not required, the school may still need to provide documentation to support their application.

All renewal applications require the Principal to certify that the school continues to comply with the relevant requirements.

After a school submits an application for registration, NESA may ask the school to provide more documentary evidence to support the application. NESA will do this if it considers it necessary, based on its review of materials provided, or in response to new or emerging information.

If NESA asks a school for additional information to support their application, but the school does not provide it, NESA is not required to provide advice to the Minister about the school's application. The application will not progress any further.

NESA's process for assessing registration applications

When NESA receives an application, it will typically:

- provide an automatic acknowledgment of the application within RANGS Online
- examine the information and any documentation provided
- discuss the application with the school
- visit the school (or proposed site) and examine any further information, where relevant
- write a report with recommendations following consideration of the school's compliance (or capacity to comply) with the registration requirements
- forward the report to the school for signature and optional comment
- submit the report and any comments from the school to the Committee for endorsement
- submit the endorsed recommendations to the Minister
- send the relevant certificates to the school if registration is granted.

NESA's process for assessing accreditation applications

In general, NESA deals with accreditation applications in the same way that it deals with registration applications. However, there are 2 main points of difference.

When NESA processes a school's accreditation application, it considers the school's compliance (or capacity to comply) with the accreditation requirements.

Also, when the Inspector submits their report to the Committee, the Committee (not the Minister) considers the recommendation and makes the final decision. NESA then issues the certificate(s) of accreditation.

Education Act

section 49(4)	An application for registration of a non-government school is to be lodged with NESA.
section 50	NESA considers applications for initial registration of new non-government schools. NESA is not required to provide a report to the Minister if any requested documentary or other evidence in support of an application is not provided.

section 51	The Minister deals with the recommendation and determines the outcome of applications for initial registration of new non-government schools.
section 55(3A)	NESA may request documentary or other evidence in support of an application for renewal of registration.
section 86	NESA may accredit a non-government school if it is satisfied that the school complies with the RoSA and/or HSC requirements.

D1.9 Schools must display certificates

Registration certificates provide the specific Years of schooling for a specific period at a specific location(s). Accreditation certificates list the approved credentials for the school.

Schools must display all current registration and, if relevant, accreditation certificates in the entrance to the main school building or another prominent place.

Education Act

section 66	Schools must display their current registration certificate.
section 83	Schools must display their current certificate of exemption.
section 86(4)	NESA issues a certificate of accreditation for any school it accredits.

D2 Notifications

D2.1 Schools must notify NESA about operational changes

Notifications to NESA are essential to ensure:

- NESA has accurate details for the proprietor, Principal and school
- the Minister's approval as specified on the school's certificate(s) of registration is current and accurate
- NESA's approval as specified on the school's certificate(s) of accreditation is current and accurate.

Certain notifications will result in a new registration certificate and, if applicable, accreditation certificate being issued to the school. When new certificates are required, NESA relies on the information and accuracy of notifications to inform the Committee and request the relevant actions from the Minister and/or NESA CEO.

Depending on the type of change, the method and timing of the notification differs (see B2.6).

If NESA is advised by someone other than a representative from a school that the school has closed or ceased operating, NESA will appoint an Inspector to investigate. Following the outcome of the investigation, the school's registration may cease or be limited (see D3.6)

Education Act

sections 60(1), 60(4)(a)–(c), 62(1), 63A, 69(1)(2)	Written notice must be provided to NESA where there are changes to school operations or responsible persons.
section 63(2)	The Regulations provide that in the event of specified changes in the circumstances of the operation of a non-government school, the registration of the school ceases, or is limited.

D2.2 Notifications submitted on RANGS Online are processed by NESA

Schools must submit all notifications about operational changes through RANGS Online using the appropriate notification form.

When NESA receives a notification, where relevant, it will:

- provide an automatic acknowledgement of the submission within RANGS Online
- examine the information and any documentation provided
- process any administrative changes not requiring Minister approval
- discuss the notification with the school
- visit the school (or proposed site) and examine any further information, where relevant
- submit the notification to the Committee
- submit recommendations to the Minister (where applicable)
- forward any written response or relevant certificates to the school (where applicable).

D3 Assessing compliance

D3.1 NESA assesses school compliance with requirements

After an Inspector reviews a school's application for registration/accreditation and considers the findings of an inspection, and any other available information, they make a judgement about the school's compliance with the requirements.

Inspectors report their findings for each requirement, as set out below.

Findings	When a school
Capacity to comply	has applied for initial registration/accreditation and has provided evidence that it has capacity to comply with a requirement
Compliant	provides evidence that a requirement is being met
Substantively compliant	needs to improve some areas of its compliance with a requirement
Concern about compliance	needs to significantly improve its compliance with a requirement
Not compliant	is not complying with a requirement

The Committee reviews the Inspector's report and considers whether they will accept, reject or vary the recommendation(s).

Where a school has demonstrated capacity to comply or compliance with registration requirements, NESA provides a recommendation to the Minister and/or NESA CEO for final approval (see D1.8).

If an Inspector finds there are areas for improvement or concerns about a school's compliance or capacity to comply with requirements, NESA follows the processes described in D3.2–D3.6.

If a school does not comply with the requirements, its registration or accreditation may be cancelled and/or its application for registration or accreditation may be refused (see D3.7).

D3.2 NESA responds to identified compliance issues

NESA receives information from schools as part of their registration application and may also receive information from a variety of sources during a school's period of registration.

Inspectors analyse all information received about a school in relation to the registration/accreditation requirements, using NESA's regulatory framework.

Following initial analysis, Inspectors may require more information to determine whether a school is complying with the requirement(s).

Inspectors give the school an opportunity to respond to, address and provide evidence about any area(s) of potential issue. NESA may determine that an inspection of the school is required to further assess compliance.

D3.3 Registration/accreditation may be monitored

Where an Inspector is satisfied with a school's overall compliance with registration/accreditation requirements, but has identified some specific areas for improvement, the Inspector may recommend monitoring the school's compliance in one or more areas.

Monitoring includes NESA providing feedback to a school about the specific areas where compliance could be improved and then providing time and opportunity for the school to address the areas identified for improvement.

If a decision to monitor is made at the point of a school renewing their registration, the Inspector will recommend a period of registration, but will return to review the areas identified as needing improvement. This typically takes place in the following year.

An Inspector may also recommend monitoring following any inspection of a school or an investigation of a school's compliance, based on a complaint or relevant information provided by other sources.

A school may be monitored more than once and for more than one requirement.

Where an Inspector identifies an area(s) requiring improvement, the following process typically follows:

- area(s) for improvement are outlined for the school/proprietor
- a report is sent to the school for optional comment to the Committee
- the report (and comments if applicable) is submitted to the Committee with recommendations and reasons for monitoring
- in the following year, or other specified timeframe, the school submits to NESA evidence that demonstrates the school has addressed the areas for improvement
- an Inspector reviews the school's compliance with the relevant requirements, through a desk review and/or inspection
- feedback is provided to the school about its compliance
- a report is sent to the school for optional comment
- a report is provided to the Committee outlining the Inspector's findings and making any further recommendation(s).

Education Act

section 20A(2)(n)	NESA has authority to monitor implementation of school policies.

D3.4 Registration/accreditation may be extended

When a school applies to renew its registration, and an Inspector finds that there are concerns about its compliance, its registration may be extended.

Where NESA extends a school's registration, its registration is not renewed. Rather, the decision is deferred, and the school's current registration is extended. This provides time for the school to address the identified concerns.

A school's registration (including initial registration) may be extended more than once.

The information below sets out the typical process that NESA follows when extending a school's registration/accreditation.

Step 1: Inspection and evidence gathering

Inspectors consider a school's application for renewal of registration/accreditation and any other requested documents. Observations and inquiries at inspection are used to assess whether the school complies with the requirements.

If an Inspector forms the view that there are concerns about a school's compliance, they discuss their concerns with the school and invite them to provide further evidence.

Step 2: Inspector's report

The Inspector considers any further evidence, and if the Inspector still has concerns, they write a report for the Committee providing their findings about the compliance concerns and recommending an extension of the school's current period of registration/accreditation.

Step 3: Written notice and school's response

NESA provides a copy of the report to the school.

The school may choose to respond to the Inspector's report, which will be provided to the Committee.

Step 4: Recommendation

The Committee considers the Inspector's report, recommendation(s), any school response or action plan and makes a recommendation to the Minister.

Step 5: Decision

Registration	Accreditation
If the Minister accepts NESA's recommendation that concerns exist about the school's compliance with registration requirements, the Minister may approve an extension of registration and will issue a new certificate.	If the Committee is satisfied that concerns exist about the school's compliance with the accreditation requirements, it may decide to extend the school's period of accreditation. Where a school's registration has been extended but there are no identified concerns about a school's accreditation, the Committee will align the new period of accreditation with the period of extended registration and issue a new certificate.

Education Act

section 55	NESA has the authority to make a recommendation about registration renewal.
section 87	NESA considers the period of accreditation for a school.

D3.5 Conditions of registration may be imposed

NESA may recommend that the Minister impose conditions on a school's registration. This typically occurs when:

- a school may not be meeting the requirements for registration and NESA believes the school has the capacity to address the compliance concerns, or
- in any other circumstance where NESA forms the view that a condition(s) of registration is warranted.

A recommendation to impose conditions:

- typically occurs after a school inspection or investigation where the school has had an opportunity to address the compliance concern(s) but has not yet done so in a way that satisfies NESA
- may occur concurrently with other recommendations about the school's registration
- may occur at any time throughout a period of registration
- will be specified on the school's Certificate of Registration
- requires the school to inform parents about the conditions being imposed on the school's registration
- includes NESA publishing the conditions on the NESA website for the period that the conditions apply.

The Minister may place conditions on a school's registration at any time, but can only do so:

- with NESA's written recommendation
- if satisfied that the conditions are warranted.

NESA's Guidelines for Conditions of Registration provide guidance and examples of possible conditions for schools.

The information below sets out the typical process that NESA follows when imposing conditions of registration.

Step 1: Inspection/investigation and evidence gathering

Observations and inquiries as part of an inspection or investigation are used to assess whether the school complies with the requirements.

If an Inspector forms the view that there are concerns about a school's compliance, they discuss their concerns with the school and invite them to provide further evidence.

Step 2: Inspector's report

Following an inspection or investigation, the Inspector will write a report to the Committee identifying their concerns and detailing:

- their recommendation(s)
- the particular condition(s) to be imposed
- the reason for the recommendation(s) and condition(s)
- the timeframe for addressing the concerns.

The conditions will respond to the specific nature and extent of the compliance concerns and any related risk factors.

Step 3: Written notice and school's response

NESA will provide the school with the report and recommendation(s), including the intended condition(s) to be placed on the school's registration.

The school can respond to the Inspector's report by writing to the Committee.

Step 4: Recommendation

The Committee will consider the Inspector's report and any school response. If the Committee has concerns about specific registration requirements being met, the Committee may decide to support the Inspector's recommended condition(s).

Step 5: Second notice and review options

NESA will write to the school about the Committee's decision to recommend that conditions be placed on the school's registration and advise that the school can seek an internal review of the decision.

If the school requests an internal review, NESA will follow the process set out in D4.2.

Step 6: Decision

If the Minister is not satisfied that a school is complying with registration requirements, and has a recommendation from NESA, the Minister will issue a certificate of registration and/or annexure that specifies the registration condition(s).

Step 7: Informing parents

The school must:

- write to students' parents advising and explaining the reasons for conditions being imposed on the school's registration
- display the certificate of registration and any annexure.

NESA will publish any conditions imposed on a school's registration on the NESA website.

Step 8 (if relevant): Non-compliance during conditions of registration

If, during a period where conditions are imposed on the school's registration, NESA forms the opinion that the school is not complying with the registration requirements or meeting the conditions of registration, NESA may recommend to the Minister that the school's registration be:

- limited, reduced and made provisional (see D3.6)
- cancelled and not renewed (see D3.7).

Education Act

section 53A	The Minister may impose conditions relating to the requirements for registration if NESA has made a recommendation.

D3.6 Registration/accreditation may be limited, reduced and/or made provisional

Provisional registration/accreditation may be applied as a sanction with a reduced period of registration/accreditation. It may apply to an existing school at any time before its period of registration/accreditation expires.

A recommendation for provisional registration/accreditation typically occurs after an inspection or investigation where the school has had an opportunity to address specific compliance concern(s) and/or comply with condition(s) of registration but has not yet done so in a way that satisfies NESA.

The information below sets out the typical process that NESA follows when limiting, reducing or making a school's registration provisional.

Step 1: Inspection/investigation and evidence gathering

Observations and inquiries as part of an inspection or investigation are used to assess whether the school complies with the requirements.

If an Inspector forms the view that there are concerns about a school's compliance, they discuss their concerns with the school and invite them to provide further evidence.

Step 2: Inspector's report

Where an Inspector believes the school has the capacity to address compliance concerns identified during an inspection or investigation, they write a report to the Committee.

The report will provide:

- information about the concerns
- a recommendation that the school is placed on provisional registration and its registration period is reduced.

Where a school's registration has been reduced, the period of accreditation (if relevant) will align with the period of provisional registration.

Step 3: First notice

NESA writes to the school detailing the requirements where compliance concerns exist and the Inspector's recommendations.

The school can respond to the Inspector's report by writing to the Committee.

Step 4: Recommendation

The Committee will:

- consider the Inspector's report and any school response
- decide if it intends to recommend to the Minister that the school's registration be limited or reduced.

Step 5: Second notice

NESA will write to the school about the Committee's decision to recommend a limited or reduced period of registration and advise that the school can seek an internal review of the decision.

If the school requests an internal review, NESA will follow the process set out in D4.2.

Step 6: Final recommendation	
Registration	**Accreditation**
If the Committee is satisfied that there are concerns, it may recommend that the Minister place the school on provisional registration with a reduced period of registration.	If the Committee is satisfied that there are concerns with the school's registration or only its accreditation, it may place the school on provisional accreditation with a reduced period of accreditation.
Step 7: Decision	
Registration	**Accreditation**
If the Minister is satisfied that there are compliance concerns with registration requirements or conditions of registration and has a recommendation from NESA, a certificate of provisional registration that specifies the provisional period may be issued.	If the Committee is satisfied that there are compliance concerns with accreditation requirements, it may recommend to the NESA CEO to issue a certificate of provisional accreditation that specifies the provisional period.

A school will need to apply for renewal of registration/accreditation (where relevant) in the year of expiry.

Step 8: Informing parents

The school must write to students' parents advising them of the school's provisional registration/accreditation and explaining the consequences.

Step 9 (if relevant): Non-compliance during provisional registration

If, during the period of provisional registration, NESA forms the opinion that the school is not complying with the registration/accreditation requirements, NESA may recommend that the school's registration and/or accreditation be cancelled and not renewed (see D3.7).

Education Act

section 57A	Under its delegation from NESA, if the Committee is not satisfied with a school's compliance with registration requirements, it can recommend to the Minister that: ▪ the school's registration status be changed to provisional ▪ its registration period be reduced. This can happen at any time before the registration period ends. If a school is placed on provisional registration, it must write to the students' parents advising them of the change in status and explaining the consequences.

section 87A	If a school fails to address concerns about compliance to NESA's satisfaction, it may reduce the duration of the school's accreditation and make it provisional. At any time before the period of accreditation expires, if a school is placed on provisional accreditation, it must write to the students' parents advising them of the change in status and explaining the consequences.

D3.7 Registration and accreditation may be cancelled and/or refused

NESA may recommend an application be refused when a school applying for:

- initial registration/accreditation does not demonstrate capacity to comply with the requirements, or
- renewal of registration/accreditation does not demonstrate compliance with the requirements.

Where a registered school does not comply with the requirements for registration/accreditation at any time, NESA may recommend cancellation of registration/accreditation.

Prior to any recommendation to cancel or refuse registration/accreditation, NESA will provide opportunities for the school to demonstrate that it is genuinely addressing the areas of non-compliance as set out below.

Step 1: Inspection and evidence gathering

An Inspector will conduct an inspection of the school and consider all information available, which may include a school's application for renewal of registration/accreditation, any other requested documents, observations and inquiries at inspection or information from other sources to assess whether the school complies with the requirements.

If an Inspector determines that a school does not demonstrate compliance, they will discuss their concerns with the school and invite them to provide further evidence.

Step 2: Inspector's report

The Inspector will consider any further evidence. If the Inspector still determines that the school is not complying (or a school seeking initial registration does not demonstrate capacity to comply) with the requirements, they will write a report for the Committee, detailing the identified areas of non-compliance with relevant recommendation(s):

Registration	Accreditation
▪ the school's application for initial or renewed registration be refused ▪ its registration be cancelled.	▪ the school's application for initial or renewed accreditation be refused ▪ its accreditation be cancelled.

Step 3: First notice

NESA will write to the school, providing the Inspector's report that details the specific requirements where the school has been determined to be non-compliant and the recommendations to be considered by the Committee.

The school can respond to the Inspector's report in writing, which will be provided to the Committee.

Step 4: Recommendation

The Committee will consider the Inspector's report and any school response. If it is satisfied that the school is not meeting the requirements, the Committee will decide on the relevant recommendation(s).

Step 5: Second notice

NESA will write to the school about the Committee's decision to recommend to the Minister that the school's registration be cancelled and/or its application be refused and advise that the school can seek an internal review of the decision.

If the school requests an internal review, NESA will follow the process set out in D4.2. The final recommendation will be made by the NESA Board rather than the Committee as identified in Step 6.

Step 6: Final recommendation

Registration	Accreditation
If the Committee is satisfied that the school is not meeting the requirements, it may recommend that the Minister: ▪ cancel the school's registration ▪ refuse its registration application.	If the Committee is satisfied that the school is not meeting the requirements, it may: ▪ cancel the school's accreditation ▪ refuse its accreditation application.

If the school sought an internal review and the NESA Board recommended the school's registration/accreditation be cancelled and/or refused, the school may seek an appeal with the NSW Civil and Administrative Tribunal (NCAT) following the process set out in D4.3.

Step 7: Decision

Registration	Accreditation
If the Minister is satisfied that the school is not complying with registration requirements, and has a relevant recommendation from NESA, the Minister may: ▪ cancel the school's registration ▪ refuse its registration application. The Minister's decision cannot be appealed.	If the NESA Board is satisfied that the school is not complying with accreditation requirements, it may: ▪ cancel the school's accreditation ▪ refuse its accreditation application. A school cannot be accredited if it is not registered. The NESA Board's decision cannot be appealed.

Step 8: Informing parents

The school must write to students' parents advising them that the school's registration/accreditation has been cancelled and explaining the consequences.

Education Act

section 50(3)	NESA is to give an applicant for initial registration written notice of a recommendation to the Minister that the application be refused.
section 56(5)	The Minister is to give written notice of a decision not to renew the registration of a non-government school to the proprietor or principal of the school
section 59	On NESA's recommendation, the Minister may cancel a school's registration if it does not comply with registration requirements.
section 91	If a school does not comply with accreditation requirements, NESA may cancel the school's accreditation.

D4 Appeals

D4.1 Schools may apply for a review or appeal in certain circumstances

Schools have the right to appeal some decisions about registration/accreditation. This depends on the action taken by NESA, as set out below.

NESA action	Internal review	NCAT appeal
Rejecting an application for exemption from registration	✓	✓
Monitoring registration/accreditation	✗	✗
Extending registration/accreditation	✗	✗
Imposing conditions of registration	✓	✗
Limiting registration	✓	✗
Reducing and changing to provisional registration/accreditation	✓	✗
Cancelling, refusing or not renewing registration/accreditation	✓	✓

D4.2 Schools may apply for an internal review in certain circumstances

Decisions subject to review

Schools may request an internal review when NESA decides:

- to recommend that school is not granted exemption from registration
- to recommend that a school's registration is limited or ceased because the school has closed or ceased operating
- to recommend to the Minister that conditions are imposed on a school's registration
- to recommend to the Minister that a school's registration is reduced and made provisional
- that a school's accreditation should be reduced and made provisional
- to recommend to the Minister that a school's registration is refused, not renewed or cancelled
- that a school's accreditation should be refused, not renewed or cancelled.

Internal review process

Internal reviews are determined by the NESA Board. They are conducted by NESA officers who were not involved in the initial assessment of the application and decision under review.

The review considers:

- documents previously submitted by the applicant
- any additional documents the applicant wishes to be considered
- the original Inspector's report
- any written comments from the proprietor and Principal in response to the Inspector's report
- the Committee's recommendation(s)
- the reasons for the recommendation(s)

- an internal review report prepared by an Inspector not associated with the original inspection report
- any written comments from the proprietor and Principal in response to the Inspector's internal review report.

NESA will write to the school, providing the NESA Board's decision, and in certain circumstances will advise that the school may appeal to NCAT against the decision.

D4.3 Schools may appeal to NCAT in certain circumstances

Following the outcome of an internal review, the school is notified by NESA. A school's proprietor may appeal to NCAT if the NESA Board has decided:

- to recommend a school cannot be registered as exempt from registration
- to recommend its registration be cancelled or not renewed
- its accreditation be cancelled or not renewed
- to recommend its application for registration be refused
- its application for accreditation be refused.

A school has 28 days to lodge an appeal with NCAT.

NESA holds all recommendations and decisions until the outcome of an appeal are known.

Following an NCAT decision and reasons for that decision, the Minister will make a final decision about a school's registration and inform the applicant in writing.

Cancelling registration

The Minister may cancel a school's registration by writing to the school but only if:

- NESA has made a written recommendation to the Minister
- the Minister is satisfied that the school is not complying with its registration requirements.

Before a school's registration is cancelled, the school must have received written notice of NESA's recommendation and one of the following applies:

- the school did not apply to NCAT for a review, and 30 days have passed since the written notice was issued, or
- the school did apply to NCAT for a review, but then withdrew the application, and 30 days have passed since the written notice was issued, or
- the school did apply to NCAT for a review, but NCAT confirmed the NESA Board's decision, and 30 days have passed since the written notice was issued. In this case, the Minister must also consider any contrary decision NCAT provides and the reasons for it.

The Minister's decision is final and cannot be appealed.

Cancelling accreditation

If a school is not meeting the accreditation requirements, NESA may cancel its accreditation by writing to the school's proprietor and Principal. Before doing so, NESA must be satisfied that a school is not complying with accreditation requirements.

The cancellation has no effect until one of the following applies:

- the school did not apply to NCAT for a review, and 30 days have passed since the written notice was issued, or
- the school did apply to NCAT for a review, but then withdrew the application, and 30 days have passed since the written notice was issued, or

- the school did apply to NCAT for a review, but NCAT confirmed the NESA Board's decision, and 30 days have passed since the written notice was issued. In this case, the NESA Board must also consider any contrary decision NCAT provides and the reasons for it.

The NESA Board's decision is final and cannot be appealed.

Education Act

sections 51, 56, 59	Decisions to refuse or cancel registration are provided under the Act.
sections 88, 91	Decisions not to accredit or cancel accreditation are provided under the Act.

Part E: References

Part E summary

Part E summarises other possible relevant legislation and provides useful references and definitions.

E1 Other relevant law 101

E1.1 Other laws apply to registered and accredited schools 101

E2 Definitions and references 102

E2.1 The Manual defines further key terms and acronyms 102

E1 Other relevant law

E1.1 Other laws apply to registered and accredited schools

In addition to the requirements of the Education Act, schools must be aware of, understand and comply with other relevant state and Commonwealth legislation.

The following acts and regulations are relevant for schools, although the list is not exhaustive.

Schools are advised to check this information with the appropriate source to ensure its accuracy, relevance and currency.

NSW legislation

- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Children and Young Persons (Care and Protection) Act 1998
- Children's Guardian Act 2019
- Crimes Act 1900
- Education Act 1990
- Education Regulation 2017
- Education Standards Authority Act 2013
- Environmental Planning and Assessment Act 1979
- Explosives Act 2003
- Food Act 2003
- NSW Trustee and Guardian Act 2009
- Privacy and Personal Information Protection Act 1998
- Teacher Accreditation Act 2004
- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2017

Commonwealth legislation

- Australian Charities and Not-for-profits Commission Act 2012
- Australian Education Act 2013
- Copyright Act 1968
- Disability Discrimination Act 1992
- Disability Standards for Education 2005

E2 Definitions and references

E2.1 The Manual defines further key terms and acronyms

This section contains a glossary of terms and acronyms used in the Manual. Where there is any inconsistency between these definitions and those in the Education Act or any other legislation, the statutory definitions prevail.

Term	Definition
ACE website	NESA's Assessment Certification Examination website details the rules for the RoSA and HSC credentials.
campus	Part of a school that is located at a different place to the main school site and is used to: ▪ deliver NESA courses for registered Years of schooling, and/or ▪ provide facilities and amenities for teachers and students participating in courses, or ▪ provide boarding facilities.
complaint	A formal expression of dissatisfaction with a school's policy, procedure or service.
compulsory years of schooling	From the age of 6 until the student turns 17 or completes Year 10 (subject to the participation requirements in section 21B(3) of the Education Act), whichever occurs first.
corporal punishment	The use of physical force to punish or correct a student, but not when it is used to prevent either: ▪ personal injury to anyone ▪ damage to or destruction of property.
critical incident	An event which: ▪ causes a school disruption ▪ creates significant danger or risk that could traumatically affect individuals within the school ▪ impacts a school's effective operation.
hate speech	Conduct that is an offence under section 93ZAA of the *Crimes Act 1900* (NSW), whether or not the person engaging in the conduct has been charged or convicted.
Inspector	A NESA officer employed or appointed, under section 104 of the Education Act, to enable NESA to exercise its functions in line with section 102 of the Education Act.
mentally incapacitated person	A person who is either a: ▪ temporary patient ▪ continued treatment patient ▪ forensic patient in line with the *Mental Health Act 2007*

Term	Definition
	▪ protected person in line with the *NSW Trustee and Guardian Act 2009*.
minimum curriculum	For primary schools, section 8 of the Education Act and for secondary schools, section 10 of the Education Act. The minimum curriculum does not apply to schools solely providing education of a kind or for children of a kind (as prescribed by the Regulations).
NESA courses	Board Developed Courses, Board Endorsed Courses and Content Endorsed Courses. These are available on the NESA website.
NESA syllabus	A syllabus developed by NESA and approved by the Minister for NSW schools.
Official Notice	Official notification that there has been a change to a NESA rule or information. Official Notices are published on the NESA website.
policy and procedures	A school's official statement of its goals or objectives for an area of school governance, including an outline of the operational processes, activities or elements it uses to achieve these goals. Schools are expected to implement their policies and procedures in the manner in which they are described.
publicly available	Schools are required to publish certain policies and procedures as identified in the evidence of compliance for relevant requirements of the Manual. These policies must: ▪ be made available on the school's publicly accessible website ▪ not be protected behind a firewall or login ▪ be provided to parents/guardians in hardcopy upon request.
RANGS Online	NESA's secure website for schools to submit: ▪ applications ▪ notifications ▪ annual reports.
reportable conduct	Conduct or behaviour that must be reported to the Children's Guardian in line with the *Children's Guardian Act 2019*, including: ▪ child sexual offence ▪ sexual misconduct ▪ ill-treatment of a child ▪ neglect of a child ▪ assault against a child ▪ behaviour that causes significant emotional or psychological harm to a child.
risk management	A management plan for assessing the potential for harm and taking action to minimise it. May include a plan for responding to serious incidents and emergencies.

Term	Definition
risk of significant harm	A child or young person is at risk of significant harm if current concerns exist for their safety, welfare or well-being because of the presence, to a significant extent, of any one or more of the following circumstances: physical abuse, neglect, sexual abuse, problematic sexual behaviour, psychological harm, relinquishing care, carer concerns, and unborn child. Where concerns exist, mandatory reports must be completed with the DCJ in line with the *Children and Young Persons (Care and Protection) Act 1998*.
RTO	Registered Training Organisations are approved by the Australian Skills Quality Authority (ASQA) to deliver Australia's vocational education and training (VET) sector courses. See the NESA website for more details.
school governing body	Any body or bodies responsible for making decisions that affect the whole, or a substantial part, of a school's operations such as a School Board or Council.
scope and sequence	A summary describing the curriculum to be taught and its delivery sequence. See NESA's advice on scope and sequence.
stage of schooling	Curriculum is structured into primary and secondary stages. Primary ▪ Early Stage 1: Kindergarten ▪ Stage 1: Year 1 and Year 2 ▪ Stage 2: Year 3 and Year 4 ▪ Stage 3: Year 5 and Year 6 Secondary ▪ Stage 4: Year 7 and Year 8 ▪ Stage 5: Year 9 and Year 10 ▪ Stage 6: Year 11 and Year 12
students with disability	Students with a range of abilities and needs as defined by the *Disability Discrimination Act 1992*. Schools must support these students to ensure they have an equitable education in line with the *Disability Standards for Education 2005*. See NESA's advice about Students with disability.
teach	To undertake any or all of the duties related to delivering, assessing or supporting and leading the development and implementation of courses designed to implement the curriculum under the *Education Act 1990* in a school or an approved learning framework under the *Children (Education and Care Services) National Law (NSW) 2010* in a service.
teacher	A person who is accredited as a teacher by NESA. Individuals employed in NSW schools who do not undertake any of the duties described in the definition of 'teach' including those who exclusively deliver courses not developed or endorsed by NESA are not required to be an accredited teacher.

Term	Definition
	See NESA's Teacher Accreditation Manual.
teaching program	Curriculum planning documentation that demonstrates how a syllabus is delivered to students. May also be referred to as 'units of work'. See NESA's advice on programming.
Years of schooling	The Years of schooling from Kindergarten to Year 12 for which the school is registered.
Working With Children Check	A working with children check (WWCC) clearance is required for anyone who works in child-related work in NSW. It involves a National Police Check and a review of reportable workplace misconduct. The outcome of a check is either a clearance to work with children or a bar against working with children. Employers in child-related work have legal obligations for verifying their workers' and volunteers' clearances and keeping a record that they have done so.