



# **Consultation Report on School Registration Manual Refinements (September 2023)**

**NSW Education Standards Authority**

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**Published by** NSW Education Standards Authority  
GPO Box 5300  
Sydney NSW 2001  
Australia

[NESA website](http://educationstandards.nsw.edu.au) (educationstandards.nsw.edu.au)

D2023/223687

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# 1 Introduction

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The *Education Act 1990* (the Education Act) provides the registration requirements that apply to schools in NSW. The NSW Education Standards Authority (NESA) details the requirements and sets evidence of compliance to demonstrate compliance with the registration (and if applicable, accreditation) requirements in the school registration Manuals (Manuals) for each schooling sector:

- NSW Registered and Accredited Individual Non-government Schools Manual
- NSW Registration Process for the Government Schooling System Manual
- NSW Registration Systems and Member Non-government Schools Manual.

School registration Manuals have a long history. Over time, legislative change and government priorities have inevitably added registration requirements and evidence to demonstrate compliance with the requirements.

Evidence of compliance outlined in the Manuals are the standards set by NESA for registration and, for non-government schools, accreditation. NESA recognises that for schools, meeting their school registration obligations under the Education Act is only one component of a school's reporting and compliance management.

Since 2018, NESA has sought to improve and refine school registration processes by implementing risk-based processes for non-government schools. This included a strategic review to identify and remove or reduce any evidence of compliance in Manuals considered to be lower risk.

In 2021, the NESA Board endorsed the reconceptualisation of Manuals and inspection processes to improve understanding of registration requirements and enhance NESA's risk-based approach to regulation. The review aligned with the NSW Government Made Easy priorities.

During 2022, NESA sought feedback from all sectors to:

- identify specific areas of the registration requirements' evidence of compliance that cause unnecessary burden on schools
- identify evidence of compliance that required clarification
- propose refinements to the Manuals
- determine where NESA could provide further advice to support schools to comply and rely on their own self-assurance processes.

NESA continues to work with key stakeholder bodies to understand each sector's ongoing needs and unique operations.

By revising the Manuals, NESA aims to provide greater clarity about a school's or system's obligations and compliance requirements.

The Manuals have been redesigned to provide greater accessibility and reduce repetition. The amendments and continued publication of new support materials will assist sectors and schools to refine their own self-assurance processes.

New Manuals were published in September 2023 with support materials.

The Manuals are effective from 1 January 2024.

## 2 Consultation methodology

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### 2.1 Consultation process

NESA conducted two rounds of online public consultation in 2022.

#### Round 1

Consultation conducted from 28 February to 1 April 2022 on changes to non-government school registration Manuals proposed:

- 6 changes to evidence of compliance
- one change to the glossary
- NESA asked 3 open response questions, giving stakeholders the opportunity to provide further feedback.

#### Round 2

Consultation was conducted from 19 September to 11 November 2022 on a draft Individual Non-government School Manual that included the following features:

- a full structural review and plain English edit
- enhanced presentation with visual guidance
- clearer descriptions of requirements and evidence of compliance
- reduced repetition of information
- where possible, reduced evidence of compliance to address administrative burden.

Participants provided feedback via an online survey, attending an online webinar or by written response.

NESA also engaged approved non-government distance education providers in a webinar to discuss specific proposals about distance education.

Online consultation was used due to ongoing health considerations related to COVID-19 and to provide equitable access for all schools and teachers across NSW.

In 2023, key stakeholder bodies were provided with an additional opportunity to review a full draft of their relevant sector Manual that incorporated all previous feedback.

### 2.2 Quality assurance

To ensure the final Manuals were accessible, reliable and easy to understand, NESA consistently managed a level of quality assurance by:

- considering all feedback in light of each iteration
- analysed risks and benefits of each amendment using a risk-based approach to ensure it would adequately minimise burden for administrative processes across the sectors
- conducting ongoing consultative processes with key stakeholder bodies
- implementing quality controls such as applied scenarios to determine implications of a change and how different types of schools might implement the change.

## 3 Responses

This data provides a snapshot of participants in Round 1 and Round 2 public consultation.

| Type of response         | Round 1               | Round 2               |
|--------------------------|-----------------------|-----------------------|
| Survey responses         | 72 responses received | 25 responses received |
| Online webinar attendees | 34 participants       | 17 participants       |
| Written responses        | 5 responses received  | 4 responses received  |

### Online consultation activities

| Role at school                                  | Round 1 | Round 2 |
|---|---------|---------|
| Executive teaching member of the school         | 32%     | 33%     |
| Principal / Headmaster                          | 26%     | 15%     |
| Teacher   | 13%     | 9%      |
| Consultant for individual non-government school | 9%      | 3%      |
| Other   | 9%      | 18%     |
| Non-teaching administrator of school compliance | 8%      | 18%     |
| Representative of the Proprietor                | 2%      | 3%      |

| Location of school                       | Round 1 | Round 2 |
|--|---------|---------|
| Metropolitan Sydney                      | 59%     | 60%     |
| Major regional centre                    | 18%     | 4%      |
| Regional / remote NSW                    | 15%     | 28%     |
| Large metropolitan centre outside Sydney | 8%      | 8%      |

### Written responses

| Round 1  | Round 2  |
|--|--|
| Association of Independent Schools of NSW (AISNSW) | Association of Independent Schools of NSW (AISNSW) |
| Catholic Schools NSW (CSNSW)                       | Catholic Schools NSW (CSNSW)                       |
| NSW Department of Education (DoE)                  | NSW Department of Education (DoE)                  |
| Sydney Catholic Schools (SCS)                      | Sydney Catholic Schools (SCS)                      |
| Seventh-Day Adventist Schools (SDA)                |  |

## 4 Consultation findings – Round 1

Round 1 consultation focused on identifying specific areas of administrative burden for schools.

The following presents the original proposals and a summary of findings and actions, where relevant.

### 4.1 External providers

*It is proposed that the evidence of compliance for outsourcing the delivery of a course of study to an external provider be revised to reduce the documented records required when outsourcing to a registered NSW non-government school, government school or TAFE.*

Section 3.2.3 (Individual non-government schools manual)

Section 5.2.3 (Registration systems and member non-government schools manual)

#### Summary

Overall, respondents strongly agreed with the change, acknowledging that some external providers are lower risk with some suggestions of essential documentation to retain for external providers.

#### Survey responses

| Strongly Agree | Agree | Disagree | Strongly Disagree | Prefer not to respond | Total |
|----------------|-------|----------|-------------------|-----------------------|-------|
| 56%            | 32%   | 5%       | 4%                | 3%                    | 100%  |

| Key feedback raised   | NESA action taken in response to feedback   |
|---|---|
| <ul style="list-style-type: none"><li>Burdensome process and duplication of some records between regulated bodies (AISNSW, CSNSW, SCS, Survey, Webinar)</li></ul> | <ul style="list-style-type: none"><li>Grouped some external providers together and reduced the records schools need to retain for those bodies</li></ul>                |
| <ul style="list-style-type: none"><li>Accountability for all organisations and schools (Survey, Webinar)</li></ul>  | <ul style="list-style-type: none"><li>The school where a student is enrolled retains responsibility to appropriately identify and document external providers</li></ul> |
| <ul style="list-style-type: none"><li>Student welfare and attendance monitoring must be managed by the registered school (CSNSW, Survey)</li></ul>                | <ul style="list-style-type: none"><li>Evidence of compliance clarifies responsibilities for the school where a student is enrolled and the external provider</li></ul>  |

### 4.2 Distance education

*It is proposed that the requirement to provide at least 15 days of residential school sessions each school year for students undertaking all their courses of study by distance education be removed.*

Section 3.3.3 (Individual non-government schools manual)

Section 5.3.3 (Registration systems and member non-government schools manual)

#### Summary

Overall, respondents agreed with the change. Many comments recognised the changing world and needs of students. Distance education was identified as an accessible learning approach that can engage students regardless of health, location and mode to education. Some chose not to respond as they did not have experience with distance education.

## Survey responses

| Strongly Agree | Agree | Disagree | Strongly Disagree | Prefer not to respond | Total |
|----------------|-------|----------|-------------------|-----------------------|-------|
| 45%            | 34%   | 4%       | 0%                | 17%                   | 100%  |

| Key feedback raised   | NESA action taken in response to feedback  |
|---|--|
| <ul style="list-style-type: none"> <li>Identified travelling for residential school sessions as a burden for current distance education students and their families (CSNSW, Sydney, Webinar)</li> </ul>         | <ul style="list-style-type: none"> <li>Current requirement to have at least 15 days of residential school sessions each year removed</li> </ul>                          |
| <ul style="list-style-type: none"> <li>Access to non-distance education students and the day school is important for the wellbeing and personal and social development of students (Survey, Webinar)</li> </ul> | <ul style="list-style-type: none"> <li>Evidence of compliance amended to include opportunities for distance education students to engage in school activities</li> </ul> |
| <ul style="list-style-type: none"> <li>Some remote students may be limited in their ability to access quality technology (Survey, Webinar)</li> </ul>   | <ul style="list-style-type: none"> <li>Emphasis placed on school to ensure all course components including practical outcomes can be achieved</li> </ul>                 |

## 4.3 Premises and buildings, and Facilities

*It is proposed that the evidence of compliance for premises and buildings and facilities are refined to reduce requirements that are regulated by other agencies.*

Section 3.4 and 3.5 (Individual non-government schools manual)

Section 5.4 and 5.5 (Registration systems and member non-government schools manual)

### Summary

Overall, respondents strongly agreed with the change.

## Survey responses

| Strongly Agree | Agree | Disagree | Strongly Disagree | Prefer not to respond | Total |
|----------------|-------|----------|-------------------|-----------------------|-------|
| 55%            | 30%   | 6%       | 4%                | 5%                    | 100%  |

| Key feedback raised   | NESA action taken in response to feedback  |
|---|--|
| <ul style="list-style-type: none"> <li>Consolidation of requirements and removal of information regulated by other agencies was supported (AISNSW, Survey)</li> </ul>                     | <ul style="list-style-type: none"> <li>Evidence of compliance consolidated across both requirements to focus on NESA's regulation remit</li> </ul>   |
| <ul style="list-style-type: none"> <li>To specify the type of documentation NESA expects will avoid duplication and double handling across these requirements (CSNSW, Webinar)</li> </ul> | <ul style="list-style-type: none"> <li>Clarified specific documentation schools need to maintain</li> <li>Clarified that schools require procedures for assessing and recording standard and state of repairs of their premises, buildings and facilities</li> </ul> |



## 4.4 Safe and supportive environment – student welfare

*It is proposed that the evidence of compliance is reviewed to remove repetition and clarity which policies and procedures are specifically required.*

Section 3.6.2 (Individual non-government schools manual)

Section 5.6.2 (Registration systems and member non-government schools manual)

### Summary

Overall, respondents strongly agreed with the change.

### Survey responses

| Strongly Agree | Agree | Disagree | Strongly Disagree | Prefer not to respond | Total |
|----------------|-------|----------|-------------------|-----------------------|-------|
| 74%            | 22%   | 0%       | 1%                | 3%                    | 100%  |

| Key feedback raised   | NESA action taken in response to feedback  |
|---|--|
| <ul style="list-style-type: none"><li>Be clear about what is required to reduce repetition across requirements (AISNSW, CSNSW, SCS, Survey, Webinar)</li></ul>                        | <ul style="list-style-type: none"><li>Evidence of compliance related to enrolment and attendance moved to the attendance requirement</li></ul>   |
| <ul style="list-style-type: none"><li>Removing duplication and specifying when a policy is required will reduce administrative burden (AISNSW, CSNSW, SCS, Survey, Webinar)</li></ul> | <ul style="list-style-type: none"><li>Overall list of policies and procedures refined to clearly identify which are required as procedures only, and which policies must be publicly available to reduce ambiguity</li></ul> |

## 4.5 Professional learning for responsible persons

*It is proposed that the requirements for responsible persons' professional learning be amended so that only newly inducted responsible persons are required to complete a minimum 12 hours of professional learning, delivered by a NESA approved training provider, within the first 3 years of commenting in the role. Thereafter, ongoing school governance professional learning may be undertaken with any provider.*

Section 3.9.3.4 (Individual non-government schools manual)

Section 5.9.3.4 (Registration systems and member non-government schools manual)

### Summary

Overall, respondents agreed with this change as the training hours was identified as potentially burdensome. Following considered review of all feedback and the variety of other considerations presented, NESA has adjusted information about professional learning in the Manuals but did not remove this requirement or adopt the proposal.

### Survey responses

| Strongly Agree | Agree | Disagree | Strongly Disagree | Prefer not to respond | Total |
|----------------|-------|----------|-------------------|-----------------------|-------|
| 47%            | 35%   | 10%      | 5%                | 3%                    | 100%  |

| Key feedback raised   | NESA action taken in response to feedback   |
|---|---|
| <ul style="list-style-type: none"> <li>May create further ambiguity, board members require school governance training to ensure they can govern appropriately (AISNSW, CSNSW, Survey, Webinar)</li> </ul> | <ul style="list-style-type: none"> <li>No change to current evidence of compliance requirements</li> </ul>  |
| <ul style="list-style-type: none"> <li>Emphasised that NESA recognise that some responsible persons work across more than one school (AISNSW, CSNSW)</li> </ul>   | <ul style="list-style-type: none"> <li>Clarified that a responsible person who transfers from one proprietor/NSW school operation to another, or sits on multiple School Boards, may carry over relevant professional learning hours. A school-based induction must still be completed</li> </ul> |

## 4.6 Annual reporting

*It is proposed that the requirements for annual reporting are reviewed, and reduced where possible, taking into account legislated reporting obligations. One outcome may be that schools will be required to make some policies publicly available on the school's website or at the front office, rather than referenced within the annual school report.*

Section 3.10.1 (Individual non-government schools manual)

Section 5.10.1 (Registration systems and member non-government schools manual)

### Summary

Overall, respondents agree with this change and provided many examples that create administrative burden in gathering the annual report information. NESA considered the legislative requirements and removed excessive items that may be presented in alternate public forums. The Manual specifies certain policies that a school must publish publicly.

### Survey responses

| Strongly Agree | Agree | Disagree | Strongly Disagree | Prefer not to respond | Total |
|----------------|-------|----------|-------------------|-----------------------|-------|
| 53%            | 41%   | 5%       | 0%                | 1%                    | 100%  |

| Key feedback raised   | NESA action taken in response to feedback  |
|---|--|
| <ul style="list-style-type: none"> <li>General support for a reduction in the level of detail (AISNSW, CSNSW, SDA, SCS, Survey, Webinar)</li> </ul> | <ul style="list-style-type: none"> <li>2 requirements were moved into contextual information for optional inclusion in the annual school report, namely: <ul style="list-style-type: none"> <li>priority areas for improvement</li> <li>actions undertaken to promote respect and responsibility</li> </ul> </li> <li>The following requirements were removed: <ul style="list-style-type: none"> <li>granting of the RoSA</li> <li>retention of Year 10 to Year 12</li> <li>details of comparisons required for HSC results</li> <li>a summary of professional learning for teachers</li> </ul> </li> </ul> |
| <ul style="list-style-type: none"> <li>NESA must be clear about which policies need to be publicly available (Survey, Webinar)</li> </ul>           | <ul style="list-style-type: none"> <li>References to full text/summary of policies were removed from the body of the annual school report. These policies must now be made public</li> <li>The annual school report must note how the public may access the policies</li> <li>A summary of changes to school policies throughout the reporting year is required</li> </ul>   |

## 4.7 Glossary terms

*It is proposed that the following terms be included in the glossary with a link to NESAs published advice:*

- *assessment plan*
- *assessment schedule*
- *teaching program*
- *unit of work*

### Summary

Respondents indicated the preference for support materials to best highlight implementation of Manual requirements. NESAs has begun to publish Fact Sheets on key requirements and areas where schools requested additional clarification such as Curriculum, Attendance and Management and operation. All glossary terms were reviewed for relevance and updated.

### Survey responses

| Strongly Agree | Agree | Disagree | Strongly Disagree | Prefer not to respond | Total |
|----------------|-------|----------|-------------------|-----------------------|-------|
| 65%            | 32%   | 0%       | 0%                | 4%                    | 100%  |

## 4.8 Administrative burden

*Specify any registration processes, requirements or evidence of compliance that cause unnecessary administrative burden on your school and indicate why.*

### General comments

Respondents noted that schools are managing multiple legislative requirements and amending the Manual and evidence of compliance to be clear about expectations is key to improvement. Respondents provided general information about how they manage NESAs inspections and the importance of having clear expectations.

## 4.9 Structural review

*Specify any registration process, requirement or evidence of compliance that you would like NESAs to clarify or provide more advice about.*

### General comments

Respondents clearly supported an editorial and structural review of the Manual. NESAs engaged external expertise to redesign the Manual. The new structure includes reduced repetition with consolidated and logical grouping of Manual sections.

## 4.10 Supporting school compliance

*Please comment on any other aspect of school registration and accreditation or provide a suggestion about how you believe NESAs may be able to better support and assist schools to efficiently achieve and maintain compliance.*

### General comments

There were several comments regarding requests to amend the Education Act and NESAs RANGS Online. It is noted that amendments to legislation and RANGS Online is out of scope. Some respondents provided additional considerations for NESAs to support schools.

## 5 Consultation findings – Round 2

The following information provides a summary of findings and responses about the Manuals.

### 5.1 Part A: Introduction to Registration and Accreditation

*The information about roles, responsibilities and types of registration and accreditation is clear and easy to understand.*

#### Summary

Overall, respondents strongly agree that Part A is clear and easy to understand.

#### Survey and written responses

| Strongly Agree | Agree | Disagree | Strongly Disagree | Prefer not to respond | Total |
|----------------|-------|----------|-------------------|-----------------------|-------|
| 73%            | 9%    | 0%       | 9%                | 9%                    | 100%  |

### 5.2 Part B: Registration requirements

*The registration requirements and evidence of compliance are clear and easy to understand.*

#### Summary

Respondents provided specific edits and considerations for change. NESAs reviewed the language across all Manuals to enhance consistency and promote understanding.

The non-government Registration Systems Manual was reviewed to ensure repetition of information was reduced by consolidating notifications into one section. NESAs have identified legislated responsibilities of all parties within a Registration System and provided contextualised processes.

#### Survey and written responses

| Requirement                     | Strongly Agree | Agree | Disagree | Strongly Disagree | Prefer not to respond | Total |
|---------------------------------|----------------|-------|----------|-------------------|-----------------------|-------|
| Proprietors and Principals      | 55%            | 27%   | 0%       | 9%                | 9%                    | 100%  |
| School management and operation | 25%            | 60%   | 0%       | 10%               | 5%                    | 100%  |
| Staff                           | 33%            | 56%   | 0%       | 6%                | 6%                    | 100%  |
| Curriculum                      | 45%            | 36%   | 0%       | 9%                | 9%                    | 100%  |
| Premises and buildings          | 33%            | 50%   | 6%       | 6%                | 6%                    | 100%  |
| Facilities                      | 33%            | 56%   | 0%       | 6%                | 6%                    | 100%  |
| Enrolment and attendance        | 22%            | 67%   | 0%       | 6%                | 6%                    | 100%  |
| Safe and supportive environment | 39%            | 44%   | 6%       | 6%                | 6%                    | 100%  |

| Requirement         | Strongly Agree | Agree | Disagree | Strongly Disagree | Prefer not to respond | Total |
|---------------------|----------------|-------|----------|-------------------|-----------------------|-------|
| Discipline          | 39%            | 44%   | 6%       | 6%                | 6%                    | 100%  |
| Boarding facilities | 17%            | 25%   | 0%       | 0%                | 58%                   | 100%  |
| Distance education  | 27%            | 36%   | 0%       | 0%                | 36%                   | 100%  |

### 5.3 Part C: Accreditation requirements

*The accreditation requirements and evidence of compliance are clear and easy to understand.*

#### Summary

NESA provided a consistent presentation of accreditation requirements, ensuring that accredited schools retain responsibility for adhering to ACE requirements.

#### Survey and written responses

| Section                          | Strongly Agree | Agree | Disagree | Strongly Disagree | Prefer not to respond | Total |
|----------------------------------|----------------|-------|----------|-------------------|-----------------------|-------|
| Curriculum for the RoSA          | 50%            | 36%   | 0%       | 7%                | 7%                    | 100%  |
| Curriculum for the HSC           | 50%            | 36%   | 0%       | 7%                | 7%                    | 100%  |
| Quality of the education program | 50%            | 36%   | 0%       | 7%                | 7%                    | 100%  |

### 5.4 Part D: Registration and accreditation process

*The information explaining the registration and accreditation process is clear and easy to understand.*

#### Summary

Some stakeholders sought a reduction in the number of notifications to make to NESA. The new Manual specifies information NESA requires to communicate with schools, retain accurate records and ensure registration and accreditation details are accurate.

#### Survey and written responses

| Strongly Agree | Agree | Disagree | Strongly Disagree | Prefer not to respond | Total |
|----------------|-------|----------|-------------------|-----------------------|-------|
| 60%            | 30%   | 0%       | 0%                | 10%                   | 100%  |

### 5.5 Part E: References

*The legislative context, definitions and glossary are clear and easy to understand.*

#### Summary

Respondents supported useful legislative links being included and an overall update to the glossary.

## Survey and written responses

| Strongly Agree | Agree | Disagree | Strongly Disagree | Prefer not to respond | Total |
|----------------|-------|----------|-------------------|-----------------------|-------|
| 70%            | 20%   | 0%       | 0%                | 10%                   | 100%  |

## 5.6 Manual structure

*The new structure of the Manual and its section headings are clear and helpful.*

*The Manual incorporates icons to draw attention to certain features. The icons are useful for navigation.*

### Summary

Overall, respondents indicated strong support for the development of a new structure, layout and use of icons.

## Survey and written responses

| Section       | Strongly Agree | Agree | Disagree | Strongly Disagree | Prefer not to respond | Total |
|---------------|----------------|-------|----------|-------------------|-----------------------|-------|
| New structure | 70%            | 20%   | 0%       | 0%                | 10%                   | 100%  |
| Icons         | 60%            | 30%   | 0%       | 0%                | 10%                   | 100%  |

## 5.7 Other feedback

Stakeholders provided comments that were out of scope for this project or NESA's remit, including:

- Amendments needed to the Act: change the timeframe for submission of applications, amend initial registration periods to be longer.
- RANGS Online: improve the usability, look and feel and update to reflect current school platforms.
- Nationally Consistent Collection of Data; federal reporting requirements; funding authorities.

## 6 Key stakeholder bodies

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Key stakeholder bodies were consulted in an ongoing manner:

- Association of Independent Schools NSW
- Catholic Schools NSW
- Independent Education Union
- NSW Department of Education.