



# **NSW Registration Process for the Government Schooling System Manual**

NSW Education Standards Authority

September 2023

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## Features of the Manual

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

### Icon key



Information about each requirement



Evidence of compliance for government schools



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](mailto:schoolrego@nesa.nsw.edu.au).



# Part A: Overview



# A1 Introduction

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The requirements for school registration under the *Education Act 1990* (NSW) (the Education Act) constitute a minimum standard for establishing a school in NSW.

In order to establish and operate a government school under the Education Act, the Minister for Education in NSW (the Minister) must be satisfied that government schools will comply 'with similar requirements to those required for the registration of non-government schools'.

Section 27A of the Education Act states:

The Authority is to monitor, and provide advice to the Minister and the Secretary on, the compliance by government schools with similar requirements to those that apply to non-government schools under section 47.

The *NSW Registration Process for the Government Schooling System Manual* (the Manual) describes the process for the NSW Education Standards Authority (NESA), as the Authority, to monitor and provide advice on the compliance by the NSW government schooling system with the minimum standards.

The registration process for the NSW government schooling system has regard to the context in which the NSW Department of Education (the Department) and NSW government schools operate. The process acknowledges the responsibility of the Department and NSW government schools as the universal provider of education in NSW and its own internal public assurance and governance arrangements reflecting awareness of its obligation for quality universal provision of education.

The Manual provides details about:

- the legislative basis for the registration process for the NSW government schooling system
- the roles and responsibilities of the Minister, the Department and NESA in relation to the registration process
- the information to be provided by the Department to NESA in relation to the Department's processes for monitoring the compliance of its schools in accordance with the *Framework for NSW Department of Education System Reporting* (the Framework)
- the requirements for NSW government schools and the associated documentary evidence to be maintained by the Department and/or its schools
- NESA processes for reviewing the efficacy and implementation of the Department's monitoring processes in order to advise the Minister and the Secretary regarding the compliance of the NSW government schooling system with similar requirements to those required for the registration of non-government schools
- other relevant information and a glossary.

Schools should read the Manual alongside:

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



## Education Act

<a href="#">section 27A</a>	Functions of NESA in relation to government schools.
<a href="#">section 47</a>	Registration requirements that non-government schools must meet.

## A2 Legislative basis for the NSW government schooling system registration process

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In accordance with the Education Act, NESA is, with the assistance of the Department, to monitor, and provide advice to the Minister and the Secretary on, the compliance by government schools with requirements similar to those that apply to non-government schools.

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

The Manual describes the 'similar requirements' for the registration process for the NSW government schooling system in Part B. These requirements are constituted as rules of NESA under section 25 of the [Education Standards Authority Act 2013](#) (NSW) (the NESA Act). The NESA Act grants NESA the power to make rules and guidelines about the registration process for the NSW government schooling system.

### Responsibilities of the Minister in relation to the registration process

In order to establish a government school under the Education Act, the Minister must be satisfied that 'the school will comply with similar requirements to those required for the registration of non-government schools'.

The registration process for the NSW government schooling system will inform advice to be provided by NESA, with the assistance of the Department, to the Minister.

### Responsibilities of the Department in relation to the registration process

Within this legislative framework, the Department is responsible for:

- ensuring that NSW government schools comply with the Department's system processes, policies and procedures including compliance with the requirements
- providing NESA with information on its system processes, policies and procedures to ensure the compliance of its schools, including data and information relating to the implementation of its processes and policies as described in the Framework.

### Responsibilities of NESA in relation to the registration process

Within this legislative framework, NESA is responsible for:

- reviewing the Department's report to NESA on its assurance processes for monitoring the compliance by government schools with requirements that are similar to those required for non-government schools
- undertaking direct visits of government schools on the basis of implementing its cross-sectoral inspection program, complaints received, concerns raised or policy

priorities, and as directed by the NESAs Chief Executive Officer in consultation with the Secretary of the Department or the Secretary's nominee

- preparing a report to be considered by NESAs Registration and Accreditation Committee (the Committee) based on the Departments report to NESAs and relevant information gathered directly by NESAs through other monitoring and inspection processes
- advising the Minister and the Secretary on the compliance of the NSW government schooling system with the requirements.

NESA also has regard to its related functions under the education and teaching legislation, which provides among other things, that NESAs will monitor teacher accreditation processes across all schools.

The NESAs Act requires that an Inspector appointed under the NESAs Act must have a NESAs-issued photo identification card.

In carrying out its responsibilities in relation to the registration process for the government schooling system, NESAs is committed to complying with the [Privacy and Personal Information Protection Act 1998](#) (NSW) (the PPIP Act). It is also mindful of confidential matters related to the business affairs of schools and registration systems. The Information Protection Principles detailed in sections 8 and 9 of the PPIP Act set the privacy standards that NESAs is required to follow when dealing with personal information.

The NESAs Privacy Management Plan describes how NESAs complies with the Information Protection Principles in relation to personal information supplied by proposed schools and by registered and accredited schools in complying with the requirements of the Education Act. The Privacy Management Plan is available on the [NESAs website](#).

NESA must publish its rules and guidelines through:

- the Manual
- [NESAs Official Notices](#)
- the [Assessment Certification Examination \(ACE\) website](#).



#### Education Act

<a href="#">section 27</a>	Establishment of government schools.
<a href="#">section 47</a>	Registration requirements that non-government schools must meet.

## A3 Reporting process

The Department is responsible for defining how its schools meet the requirements and communicating its expectations to government schools in relation to how schools demonstrate compliance with the requirements.

By agreement through a Memorandum of Understanding, the Department provides a report to NESAs on its assurance processes and the compliance of its schools with the similar requirements to assist NESAs with its legislative obligations of the Education Act.

The Departments report to NESAs on its assurance processes is provided in the terms set out in the Framework. The Framework is available on the [NESAs website](#).

The report from the Department and relevant information gathered directly by NESA through other monitoring and inspection processes forms the basis of NESA's annual advice to the Minister and the Secretary in accordance with the Education Act.

The process has particular regard to minimising any unnecessary administrative burden on either the Department or individual schools.



## Education Act

[section 27A](#)

Functions of NESA in relation to government schools.



# **Part B: Requirements for the NSW government schooling system**



## B1 Department monitoring of government schools

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The Department is responsible for the compliance of its schools with the following requirements. These requirements have regard to the responsibilities, characteristics and context of the Department and government schools.

The requirements relate to:

- school management and operation
- staff
- curriculum
- premises and buildings
- facilities
- enrolment and attendance
- safe and supportive environment
- discipline
- boarding facilities
- distance education.

Requirements that are subject to the Department's reporting framework to NESA are described with associated documentary evidence to be maintained by the Department and/or its schools.

In deciding whether government schools are complying with the, the Department will have regard to matters relating to the quality of student learning. Such matters may include the standard of teaching and student engagement in learning.

## B2 School management and operation

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### B2.1 Responsible persons must be fit and proper and ensure proper governance



The Department must have policies and procedures for:

- being assured that responsible persons, and any other person or body performing a similar role, are fit and proper
- school governance
- ensuring that in the past 5 years, a responsible person was not largely responsible for the prior refusal of an application for, or cancellation of, the registration of an existing or proposed new non-government school.

The Education Act defines a responsible person as:

- the school's proprietor
- a member of the school's governing body
- the school's Principal.

When interpreting this requirement, NESA will have regard to the statutory basis of NSW government schools, the governance structures of the Department as a NSW government department and the Department's processes for being assured that the responsible persons and governing body for the school are fit and proper.

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

A person cannot fill the role of a responsible person if the refusal or cancellation of registration of an existing or proposed school in the past 5 years can be largely attributed to their actions.

## **B2.2 Schools must report annually**

- ☰ Schools must publicly disclose educational and financial performance measures and policies as determined by the Minister.

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

## **B3 Staff**

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### **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 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.

#### **☰ Evidence of compliance**

The Department and/or schools must maintain:

- records of all teachers 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.

The Department and/or schools must have a plan for providing alternative accredited teaching staff when its usual teaching staff are unavailable.

### **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.

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

If schools outsource courses, they are still responsible for ensuring that all requirements for the courses delivered by the provider are met.

### **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.

Schools 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 all relevant registration requirements for the courses taught by outside tutors are met.

## B4 Curriculum

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### 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.



#### Evidence of compliance

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 for each Year of schooling
- teaching programs for each unit of work for each Year/class that correspond to the scope and sequence of learning/units of work
- an assessment plan indicating how students' performance in each KLA is assessed, monitored and recorded
- an overview of the process for reporting student achievement
- resources and equipment available for the courses provided in each KLA.

Schools must demonstrate evidence of alignment between NESA syllabuses and the school's curriculum documents, including scope and sequences, teaching programs and assessment plan(s).

For a NESA inspection, schools may need to provide student work samples that demonstrate delivery of the curriculum. Schools do not need to routinely maintain work samples for this purpose as they should be able to draw upon the day-to-day work of students at the time of an inspection.

## B4.2 Curriculum for the Record of School Achievement

- ☰ Schools offering courses for the Record of School Achievement (RoSA) must follow NESA syllabuses and RoSA requirements.

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](#).

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.

### ☰ Evidence of compliance

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
- teaching programs for each unit of work for each Year/class that correspond to the scope and sequence of learning/units of work
- 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
- resources and equipment available for each course provided.

Schools must demonstrate evidence of alignment between NESA syllabuses and the school's curriculum documents, including scope and sequences, teaching programs and assessment plan(s).

For a NESA inspection, schools may need to provide student work samples that demonstrate delivery of the curriculum. Schools do not need to routinely maintain work samples for this purpose as they should be able to draw upon the day-to-day work of students at the time of an inspection.

## B4.3 Curriculum for the Higher School Certificate

- ☰ Schools offering the Higher School Certificate (HSC) must follow NESA syllabuses and HSC requirements.

The curriculum for HSC candidates, typically in Years 11 and 12, must meet the requirements of the Education Act.

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

Schools must adhere to the rules, requirements and procedures detailed on the [ACE website](#) and in [NESA Official Notices](#).

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.



### **Evidence of compliance**

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
- teaching programs for each unit of work for each Year/class that correspond to the scope and sequence of learning/units of work
- 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
  - assigning 'N' determinations
- an overview of the process for reporting student achievement
- resources and equipment available for each course provided.

Schools must demonstrate evidence of alignment between NESA syllabuses and the school's curriculum documents, including scope and sequences, teaching programs and assessment plan(s).

For a NESA inspection, schools may need to provide student work samples that demonstrate delivery of the curriculum. Schools do not need to routinely maintain work samples for this purpose as they should be able to draw upon the day-to-day work of students at the time of an inspection.

## B5 Premises and buildings

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### 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.

## B6 Facilities

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

- ☰ The Department and/or schools must ensure that their educational facilities are adequate for the courses of study they provide and the number of students in each course.

## B7 Enrolment and attendance

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### 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 Department may provide specific advice to its schools on the application of common attendance codes.

Principals are able to grant or cancel a certificate of exemption from attendance and enrolment at school in some circumstances. Principals must keep records of exercising this delegation.

#### ☰ Evidence of compliance

The Department and/or schools must have and implement policies and procedures to:

- enrol students
- 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 attendance with intervention strategies to increase student 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. Schools must maintain records of exercising the delegation, including certificates issued under it.

### Enrolment register

The Department and/or schools must maintain an enrolment register that 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
- any other information required by the Department.

#### 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

- evidence of contact with a Department officer with home liaison responsibilities for each student who has left the school with an unknown destination.

### Attendance register

The Department and/or schools must keep an attendance register. It must record the common codes and include the following information for each student:

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

## B8 Safe and supportive environment

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### 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

### Working with children checks

The Department and/or schools must have and implement policies and procedures 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

The Department and/or 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

The Department and/or 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

The Department and/or 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**

The Department and/or 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.

The Department and/or schools must make its child protection policies and stakeholder complaint procedures regarding staff misconduct and employee reportable conduct publicly available.

## **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.

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**

#### **Codes of conduct**

The Department and/or schools must have and implement codes of conduct for members of the school community that include the rights and responsibilities of students and staff.

#### **Security and supervision**

The Department and/or 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**

The Department and/or schools must have and implement policies and procedures for:

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

## Students with disability and learning needs

The Department and/or 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

The Department and/or 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

The Department and/or 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.

# B9 Discipline

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## B9.1 Disciplinary action must be based on procedural fairness



A school's student discipline policy must:

- be based on the principles of procedural fairness
- not permit corporal punishment.

Schools are responsible for identifying:

- incidents that may require disciplinary action
- the nature of any penalties that may apply.



### Evidence of compliance

The Department and/or schools must have and implement a discipline policy and procedure that:

- is based on procedural fairness
- prohibits the use of corporal punishment.

## B10 Boarding facilities

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### B10.1 Schools may provide boarding facilities for students

- ☰ Schools 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 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.

#### ☰ Evidence of compliance for schools with boarding facilities

The Department and/or schools must have policies and procedures in relation to:

- rights and responsibilities of boarders
- staff training and legislative requirements in relation to child protection
- aims and guiding principles in relation to boarding that are available to stakeholders, including parents/caregivers
- compliance of accommodation, facilities and services with legislative requirements, including an annual fire safety assessment
- physical wellbeing and development of boarders
- personal development and emotional wellbeing of boarders
- day-to-day management of boarding accommodation and facilities.

## B11 Distance education

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### 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 must have policies and procedures to ensure students' personal and social development when undertaking distance education.

For students undertaking courses that include practical components, schools must facilitate achievement of course outcomes for practical work.



## Evidence of compliance for schools with distance education

In addition to meeting the requirements detailed in B4, documentation to be maintained by the Department and/or schools includes:

- policies and procedures for authenticating student work
- home supervisor eligibility, responsibilities and guidelines
- policies and procedures in relation to study day sessions
- policies and procedures in relation to communication and contact between teachers, students and supervisors
- teaching programs, including specific details of all teaching and learning activities provided to students, for each distance education course offered
- procedures for how students can achieve practical course outcomes
- records of:
  - student participation
  - learning progress in each course
  - regular communication with teachers
  - formal supervision of any external exams
- policies and procedures to ensure the personal and social development of students including:
  - monitoring students' personal and social development
  - details of the school's programs that focus on personal and social development
  - ensuring the safety and welfare of students undertaking study days.



# Part C: References



# C1 Other relevant law

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## C1.1 Other laws apply to 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 Education Act 2013](#)
- [Copyright Act 1968](#)
- [Disability Discrimination Act 1992](#)
- [Disability Standards for Education 2005](#)

## C2 Definitions and references

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### C2.1 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 <a href="#">Assessment Certification Examination website</a> details the rules for the RoSA and HSC credentials.
complaint	A formal expression of dissatisfaction with a school's policy, procedure or service.
corporal punishment	The use of physical force to punish or correct a student, but not when it is used to prevent either: <ul style="list-style-type: none"><li>personal injury to anyone</li><li>damage to or destruction of property.</li></ul>
critical incident	An event which: <ul style="list-style-type: none"><li>causes a school disruption</li><li>creates significant danger or risk that could traumatically affect individuals within a school</li><li>impacts a school's effective operation.</li></ul>
Department	The government agency with responsibility for the NSW government schooling system.
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.
minimum curriculum	For primary schools, section 8 of the Education Act and for secondary schools, section 10 of the Education Act.
NESA syllabus	A syllabus developed by NESA and approved by the Minister for NSW schools.
Official Notice	Official information that there has been a change to a NESA rule or information. Official Notices are published on the <a href="#">NESA website</a> .
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.
reportable conduct	Conduct or behaviour that must be reported to the Children's Guardian in line with the <a href="#">Children's Guardian Act 2019</a> , including:

Term	Definition
	<ul style="list-style-type: none"> <li>▪ child sexual offence</li> <li>▪ sexual misconduct</li> <li>▪ ill-treatment of a child</li> <li>▪ neglect of a child</li> <li>▪ assault against a child</li> <li>▪ behaviour that causes significant emotional or psychological harm to a child.</li> </ul>
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.
risk of significant harm	<p>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.</p> <p>Where concerns exist, mandatory reports must be completed with the DCJ in line with the <u><a href="#">Children and Young Persons (Care and Protection) Act 1998</a></u>.</p>
scope and sequence	A summary describing the curriculum to be taught and its delivery sequence. See NESA's advice on <u><a href="#">scope and sequence</a></u> .
stage of schooling	<p>Curriculum is structured into primary and secondary stages.</p> <p>Primary</p> <ul style="list-style-type: none"> <li>▪ Early Stage 1: Kindergarten</li> <li>▪ Stage 1: Year 1 and Year 2</li> <li>▪ Stage 2: Year 3 and Year 4</li> <li>▪ Stage 3: Year 5 and Year 6</li> </ul> <p>Secondary</p> <ul style="list-style-type: none"> <li>▪ Stage 4: Year 7 and Year 8</li> <li>▪ Stage 5: Year 9 and Year 10</li> <li>▪ Stage 6: Year 11 and Year 12</li> </ul>
students with disability	Students with a range of abilities and needs as defined by the <i>Disability Discrimination Act 1992</i> . Schools must support these students to ensure they have an equitable education in line with the <i>Disability Standards for Education 2005</i> . See NESA's advice about <u><a href="#">Students with disability</a></u> .
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 <u><a href="#">Education Act 1990</a></u> in a school or an approved learning framework under the <u><a href="#">Children (Education and Care Services) National Law (NSW)</a></u> in a service.

Term	Definition
teacher	<p>A person who is accredited as a teacher by NESA.</p> <p>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.</p> <p>See NESA’s <a href="#">Teacher Accreditation Manual</a>.</p>
teaching program	<p>Curriculum planning documentation that demonstrates how a syllabus is delivered to students. May also be referred to as ‘units of work’.</p> <p>See NESA’s advice on <a href="#">programming</a>.</p>
Working with Children Check	<p>A Working with Children Check (WWCC) clearance is required for anyone who works in child-related work in NSW.</p> <p>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.</p> <p>Employers in child-related work have legal obligations for verifying their workers’ and volunteers’ clearances and keeping a record that they have done so.</p>