

Non-State Schools Accreditation Board

**Policy for managing
compliance concerns
raised about
non-State schools,
governing bodies, or
unaccredited places**



Table of Contents

PART 1 — POLICY BACKGROUND	1
1. Policy commitment statement	1
2. Policy ownership	2
3. Application / scope of policy	2
4. Objectives	2
PART 2 — ABOUT THE NON-STATE SCHOOLS ACCREDITATION BOARD.....	2
5. Legislation.....	2
6. Functions of the Board.....	2
7. Decisions of the Board.....	3
8. Dissatisfaction with a Board decision.....	3
PART 3 — PRINCIPLES OF COMPLIANCE CONCERN MANAGEMENT	3
PART 4 — MANAGEMENT OF COMPLIANCE CONCERNS	4
9. Assessing compliance concerns	4
10. Register of compliance concerns	4
11. Regular reporting	4
12. Availability	4
13. Safeguards against retribution	5
14. Dealing with unreasonable conduct	5
PART 5 — IMPLEMENTATION	5
15. Compliance / policy alignment	5
16. Authorisation	5
17. Effective date	5
18. Monitoring	5
19. Training.....	6
20. Updates	6

PART 1 — POLICY BACKGROUND

1. Policy commitment statement

Non-State schooling is a vital and expanding component of Queensland education. It is essential that it retains the high standing in which it is held by the community.

The Non-State Schools Accreditation Board (the 'Board') is an independent statutory body continued in existence under the *Education (Accreditation of Non-State Schools) Act 2017* (the 'Accreditation Act').

The Board was established under the now repealed *Education (Accreditation of Non-State Schools) Act 2001*.

The Board is responsible for, amongst other things:

- deciding the accreditation of non-State schools
- deciding the eligibility for government funding of governing bodies for accredited non-State schools
- monitoring whether the governing bodies of accredited schools are suitable to continue to be a school's governing body
- monitoring whether accredited schools continue to comply with the statutory accreditation criteria
- monitoring whether the governing bodies of non-State schools that are eligible for government funding for the schools continue to meet the government funding eligibility criteria and
- investigating whether a place is being operated as an unaccredited school.

In the course of performing its duties, the Board receives compliance and other concerns about non-State schools, including their governing bodies. In relation to these matters, the Board's policy affirms and supports the rights of students, parents and other persons acting in the interests of a school, or proposed school, to make enquiries, to provide relevant information, and to submit compliance concerns and have them dealt with by the Board.

The role of the Board is to ensure that non-State schools and their governing bodies continue to comply with the requirements of the legislation. Concerns about non-State schools or governing bodies that relate to areas outside of the relevant legislation are beyond the jurisdiction of the Board.

Certain operational matters of the school (for example, school fees, uniforms, school awards and report cards) do not fall within the Board's jurisdiction and therefore would not be considered compliance concerns by the Board.

The Board also receives compliance concerns about places being operated as, or held out as, a school without Board accreditation.

Subject to the Accreditation Act, the Board may direct the person to an appropriate authority, where the enquiry or concern does not fall within the Board's legislative jurisdiction.

The Board must record and analyse information about enquiries and concerns so it can improve its service and systems.

2. Policy ownership

The Board is responsible for approving this policy.

3. Application / scope of policy

This policy applies to enquiries and concerns made to the Board relating to:

- a non-State school or its governing body
- contraventions of, or non-compliance with, the Accreditation Act, including a place being operated as an unaccredited school, or held out to be an accredited school when it is not an accredited school.

Compliance concerns made to the Board about non-State schools are managed under the Accreditation Act.

4. Objectives

The objectives of this policy are to ensure:

- consistency in the handling of compliance concerns by providing a framework for the Board to work within
- that information on how to lodge a compliance concern with the Board, and its processes for dealing with compliance concerns, are readily available
- that all compliance concerns are dealt with in an open, fair and professional manner and
- that compliance concerns are effectively monitored and reviewed to assist with identifying improvement opportunities.

PART 2 — ABOUT THE NON-STATE SCHOOLS ACCREDITATION BOARD

5. Legislation

The Accreditation Act and the attendant *Education (Accreditation of Non-State Schools) Regulation 2017* establishes a regulatory framework for the accreditation of non-State schools and the eligibility for government funding of governing bodies for accredited non-State schools.

The objects of the Accreditation Act are:

- to uphold the standards of education at non-State schools
- to maintain public confidence in the operation of non-State schools and
- to foster educational choices in Queensland.

6. Functions of the Board

The prescribed functions of the Board include:

- to assess applications for accreditation of non-State schools
- to accredit non-State schools
- to assess and decide applications about governing bodies' eligibility for government funding
- to keep a register of accredited schools

- to monitor whether accredited schools continue to comply with the accreditation criteria
- to monitor whether the governing bodies of accredited schools are suitable to continue to be a school's governing body
- to monitor whether the governing bodies of non-State schools that are eligible for government funding for the schools continue to meet the government funding eligibility criteria
- to monitor and enforce compliance with the Accreditation Act and
- to conduct investigations about contraventions of, or noncompliance with, the Accreditation Act.

7. Decisions of the Board

In performing its functions, the Board makes a range of statutory decisions, including:

- whether to accredit a non-State school
- whether to grant a non-State school governing body eligibility for government funding for the school
- whether an accredited non-State school continues to comply with the prescribed accreditation criteria
- whether the governing body of a non-State school that is eligible for government funding for the school continues to meet the prescribed government funding eligibility criteria and
- whether the governing body of a non-State school is suitable to continue to be a school's governing body.

8. Dissatisfaction with a Board decision

Under certain circumstances, the Board may issue an 'information notice' to a proposed governing body, or governing body, of a school.

A proposed governing body, or governing body, of a school that is given, or is entitled to be given, an 'information notice' about a decision may apply to the Queensland Civil and Administrative Tribunal ('QCAT') for a review of the decision.

QCAT deals with applications for review under the *Queensland Civil and Administrative Tribunal Act 2009*.

In respect of Board matters not within the ambit of QCAT, if a person making an enquiry or compliance concern to the Board is dissatisfied with the Board's response, they may refer the matter to the Queensland Ombudsman.

PART 3 — PRINCIPLES OF COMPLIANCE CONCERN MANAGEMENT

The following principles apply in respect of the Board's actions concerning the management of compliance concerns:

Fair treatment

Compliance concerns will be dealt with promptly, professionally, and in a fair, objective and equitable manner reflecting principles of procedural fairness.

Confidentiality

Compliance concerns will be dealt with in a confidential manner that is respectful to both the

concerned person and the respondent, and has regard to the strict confidentiality obligations imposed on the Board by the Accreditation Act.

All personal information will be handled in accordance with the principles contained in the *Information Privacy Act 2009*.

Transparent process

Persons will have easy access to information about how to raise a compliance concern and how the Board deals with the concern.

Ease of lodgement

Persons will be able lodge compliance concerns either in written or oral form (including anonymously) through multiple methods and without charge.

Influence business processes

Compliance concern data will be regularly reported upon and will be taken into account for the Board's continuous improvement.

PART 4 — MANAGEMENT OF COMPLIANCE CONCERNS

9. Assessing compliance concerns

The Board must assess each compliance concern, and decide on an appropriate course of action.

Appropriate actions may include seeking further information, investigation, referral to another agency, or a decision not to progress the concern.

When a course of action is decided, the person raising the concern must be notified. The person should be notified of the process for dealing with the concern and that outcomes of concerns cannot always be conveyed due to confidentiality provisions of the Accreditation Act.

When a matter is finalised, the person raising the concern must be notified promptly.

10. Register of compliance concerns

The Board maintains records in accordance with the *Public Records Act 2002*.

The register of compliance concerns will be the primary tool for the collection of data. A current and accurate record of enquiries and concerns will be maintained to:

- ensure data quality and integrity
- identify any recurring or system-wide problems
- fulfil Queensland Government annual reporting requirements and
- provide de-identified reports where necessary.

Each concern in the register will have a unique identifier.

11. Regular reporting

A status report of compliance concerns is to be submitted to the Board at least on an annual basis.

12. Availability

The Board's website (www.nssab.qld.edu.au) provides information in relation to the Board,

including information on raising compliance concerns and how to lodge a concern. Copies of this policy and the attendant procedures are available for download there.

If required, a printed copy of this information is available from the Non-State Schools Accreditation Board Secretariat (the 'Secretariat').

13. Safeguards against retribution

The Board is committed to processes that ensure, as far as is possible, that persons who raise compliance concerns are not victimised.

For anonymous compliance concerns, should additional information be required to action the concern, the absence of identifying and contact information may mean action cannot be taken.

Compliance concerns will be dealt with in a confidential manner that is respectful to both the concerned person and the respondent. Reasonable steps will be taken to protect personal information from loss, unauthorised access, use, disclosure or any other misuse during the concern handling process. However, the Board cannot give an assurance of absolute confidentiality, given statutory obligations and principles of natural justice.

The Board treats protected information as defined in the Accreditation Act in accordance with that Act's associated confidentiality of information provisions.

Information contained in a concern to the Board may be a 'public interest disclosure' under the *Public Interest Disclosure Act 2010*.

Personal information will be treated in accordance with the principles contained in the *Information Privacy Act 2009*.

14. Dealing with unreasonable conduct

The Board is committed to being responsive to all persons raising compliance concerns and treating them with respect and fairness. At the same time, the Board has to perform its functions in the most effective and efficient way possible.

Unreasonable conduct includes verbal abuse and threatening or offensive statements as well as unreasonable demands, including insistence on outcomes that are unattainable and refusal to accept final decisions.

Unreasonable conduct will not influence the way in which the Board deals with a compliance concern. All parties must maintain a polite and respectful approach at all times.

PART 5 — IMPLEMENTATION

15. Compliance / policy alignment

This policy is consistent with the strategic goals of the Board.

16. Authorisation

The Accreditation Act sets out the Board's functions (including investigatory) and forms the authority for this policy.

17. Effective date

This policy commenced on 1 July 2019 and is due for review by 1 July 2022.

18. Monitoring

The Board monitors the quality and effectiveness of its compliance concern management system through analysis and evaluation of data.

19. Training

Board members and Board Secretariat officers will receive training upon induction and regular training in the requirements of this policy and the attendant procedures.

20. Updates

The Board must approve any changes to this policy.