

Non-State Schools Accreditation Board

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

Reference: 19/253753
Effective: 1 January 2020
Version 1.1



**Queensland
Government**

Table of Contents

PART 1 — PREAMBLES	1
1. Application of procedures	1
2. Commencement	1
3. Legislation	1
PART 2 — RAISING A COMPLIANCE CONCERN	1
4. Subject matter of compliance concerns	1
5. Basis of compliance concern and who may raise a concern	1
6. What should a compliance concern include?	2
7. How should a compliance concern be raised?	2
8. Receiving compliance concerns	2
PART 3 — CONSIDERATION OF COMPLIANCE CONCERNS	2
9. Assessment of compliance concerns	2
10. Action following assessment	3
11. Grounds for not dealing with a compliance concern	3
PART 4 — INVESTIGATING COMPLIANCE CONCERNS	4
12. Board may investigate a compliance concern	4
13. Procedure	4
14. Action following investigation	4
15. Review	4
PART 5 — IMPLEMENTATION	4
16. Staff training	4
17. Reviews and updates	4

PART 1 — PREAMBLES

1. Application of procedures

These procedures apply to compliance concerns raised with the Non-State Schools Accreditation Board (the 'Board') about a matter referred to in clause 5 below. They set out the way in which compliance concerns must be made. They also set out the way in which the Non-State Schools Accreditation Board Secretariat (the 'Secretariat') administers concerns and how the Board deals with them.

The procedures are to be read in conjunction with the Board's *Policy for managing compliance concerns raised about non-State schools, governing bodies, or unaccredited places* available on the Board's website (www.nssab.qld.edu.au).

2. Commencement

These procedures commenced on 1 July 2019.

3. Legislation

The *Education (Accreditation of Non-State Schools) Act 2017* (the 'Accreditation Act') and the *Education (Accreditation of Non-State Schools) Regulation 2017* establish a regulatory framework for the accreditation of non-State schools and the eligibility for government funding of governing bodies of accredited non-State schools, and for dealing with places operating as schools without accreditation.

PART 2 — RAISING A COMPLIANCE CONCERN

4. Subject matter of compliance concerns

A compliance concern may be made to, or dealt with by, the Board only so far as the concern relates to a matter set out in clause 5 of these procedures.

5. Basis of compliance concern and who may raise a concern

A person may make a compliance concern to the Board about a matter related to whether:

- a non-State school, or its governing body, is complying with the requirements of the Act or
- an unaccredited place is operating as a school.

This includes concerns about:

- the school's accreditation (for example, compliance of the school with the prescribed accreditation criteria, or the suitability of the governing body to govern the school)
- the governing body's eligibility for government funding for the school (for example, compliance with the prescribed government funding eligibility criteria) and
- a person operating a school without accreditation by the Board, or a person holding out a school as being an accredited school if it is not accredited by the Board.

The compliance concern may be made by:

- a student who attends or who attended the non-State school relevant to the governing body
- any person acting for, or in the interests of, a student mentioned immediately above
- any person acting for, or in the interests of, the non-State school or the proposed non-State school
- a person acting as a representative of another person, provided they are acting with the consent of the affected party or

- any other interested person.

6. What should a compliance concern include?

A person raising a compliance concern will be requested to give the Board:

- their name and address
- any other information relating to their identity that the Board reasonably requires and
- the outcome being sought.

The Board, however, will accept anonymous compliance concerns and concerns from representatives (acting with consent on behalf of affected parties).

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

7. How should a compliance concern be raised?

A person may make a compliance concern to the Board:

- in writing, whether by submitting a document through the Board's website, by sending an email or through another form of written communication or
- verbally, whether in person or by telephone or through another form of verbal communication.

If a person raises a compliance concern verbally, the Board may provide help to that person to put the concern in written form.

If required, the Board will provide all reasonable assistance to help persons who wish to raise concerns. This may include translator and interpreter services or services for people with hearing, vision or speech impairments.

8. Receiving compliance concerns

A person lodging a compliance concern through the Board's website will receive an automatic receipt from the website.

All compliance concerns will be acknowledged by the Secretariat in written form upon receipt, where contact details are provided. The acknowledgement will include information on timelines and the Board's contact details along with a link to the Board's website for further information.

PART 3 — CONSIDERATION OF COMPLIANCE CONCERNS

9. Assessment of compliance concerns

The Board will assess the compliance concern based on the following:

- the content of the concern
- whether the concern falls under the Board's jurisdiction under the Accreditation Act
- the evidence submitted in support of the concern and
- any relevant Board records and
- the impact on the human rights of any person involved (such as the right to privacy and reputation, and to education under sections 25 and 36 of the *Human Rights Act 2019*).

If the Board needs more information from the person raising the compliance concern or another person

or entity to properly assess a concern, the Board will seek the information as soon as practicable.

10. Action following assessment

After assessing a compliance concern, the Board must, at its discretion, take one or more of the following actions:

- seek to resolve the concern in a way the Board considers appropriate
- investigate the concern
- refer the concern to another government agency responsible for regulating the matter, or another appropriate entity that has jurisdiction in respect of the subject matter of the concern or
- decide to take no further action.

11. Grounds for not dealing with a compliance concern

The Board must not deal with a compliance concern, or continue dealing with a concern, if the Board is satisfied of any of the following:

- the concern does not fall within the Board's jurisdiction
- the concern is trivial, frivolous or vexatious
- the concern is not made in good faith, or lacks substance
- the subject matter of the concern has already been adequately dealt with by the Board
- any dealing, or further dealing, with the concern is unnecessary; or unjustifiable in all the circumstances of the case or
- the person raising the concern has failed, without reasonable excuse, to cooperate satisfactorily with attempts made or arranged by the Board to resolve the concern.

The Board may decide not to deal with a concern, or may stop dealing with a concern, if:

- the subject matter of the concern:
 - is before, or has already been decided by, a court, tribunal, inquest or like entity established at law or
 - is, or has been, otherwise the subject of legal proceedings or
- the Board considers it would be inappropriate to deal with, or continue to deal with, the concern, having regard to:
 - the resources available to the Board to deal with the concern or
 - the relevance of the subject matter of the concern to a matter set out in clause 5 of these procedures.

If the Board decides:

- not to deal with a concern or
- not to continue dealing with a concern

and the Board knows the name and contact details of the person raising the compliance concern, the Board must give written notice of the decision, and the reasons for the decision, to the person as soon as practicable.

PART 4 — INVESTIGATING COMPLIANCE CONCERNS

12. Board may investigate a compliance concern

The Board may investigate a concern after assessing it under these procedures.

13. Procedure

Subject to the Accreditation Act and these procedures, the Board may conduct an investigation in the way the Board considers appropriate.

The Board, when conducting an investigation:

- must act as expeditiously as possible
- may inform itself on any matter relevant to the investigation in any way it considers appropriate and
- must comply with the principles of procedural fairness and natural justice.

14. Action following investigation

After investigating a compliance concern, the Board must take one or more of the following actions:

- decide to take no further action
- make a recommendation to any party to the concern that the Board considers appropriate in the circumstances and/or
- deal further with the matter under an authority conferred on the Board by the Accreditation Act.

15. Review

If a person making an enquiry to or raising a compliance concern with the Board is dissatisfied with the Board's response, they may lodge a complaint with the Board about the decision or they may refer the matter to the Queensland Ombudsman.

PART 5 — IMPLEMENTATION

16. Staff training

All Secretariat officers will receive internal training on induction and at least once a year on the policy for managing compliance concerns or specific aspects of it.

External training will also be provided, as required, in areas relevant to the policy for managing compliance concerns.

17. Reviews and updates

These procedures are to be reviewed at least every three years.

Any changes to these procedures must be approved by the Board.

Secretariat officers will be notified when any changes are made.