

Non-State Schools Accreditation Board

Regulatory approach statement

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Chairperson, nominee of the Minister
Non-State Schools Accreditation Board

Foreword

The Non-State Schools Accreditation Board (the Board) aspires to be a contemporary, risk-based regulator, keeping students at the heart of all it does and every decision it makes. To achieve this, the Board is supported by a secretariat and appointed authorised persons.

This regulatory approach statement sets out how regulatory capabilities and resources are used to ensure quality, safe and supportive educational environments for students to learn and thrive.

It is based on the Queensland Government Regulator Performance Framework, Queensland Audit Office best practice guidance for regulators and the final report from the independent review of the Queensland Non-State Schools Accreditation Framework.

The Board's focus is on delivering best practice regulation and a commitment to embracing significant opportunities to strengthen its regulatory approach in line with an ever-evolving sector.

The Board recognises the importance of working together with stakeholders to promote student safety and wellbeing in the non-state schooling sector. The Board is committed to the highest levels of transparency and accountability as it maintains its focus on providing the best possible outcomes for non-state schooling communities.

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Introduction

This regulatory approach statement outlines the Non-State Schools Accreditation Board's (the Board's) overarching approach to regulating non-state schools in Queensland in accordance with the *Education (Accreditation of Non-State Schools) Act 2017*.

This statement outlines how regulatory powers are exercised and regulatory activities are undertaken to align with the vision, purpose and legislative objectives.

About the Non-State Schools Accreditation Board

Vision

Quality education in safe school environments within Queensland non-state schools.

Roles

The non-state schools accreditation framework (the framework) comprises the *Education (Accreditation of Non-State Schools) Act 2017* (the Act) and the *Education (Accreditation of Non-State Schools) Regulation 2017* (the Regulation). Collectively, the Board, the secretariat and authorised persons operationalise the framework.

Non-State Schools Accreditation Board

The Board is an independent statutory body established under the Act.

The Board's purpose is to:

- uphold the highest standards of education in non-state schools
- maintain public confidence in the operation of non-state schools, and
- foster educational choice in Queensland.

The Board's functions under the Act are:

- assessing applications for accreditation of non-state schools
- accrediting non-state schools
- assessing and deciding applications about governing bodies' eligibility for government funding
- keeping a register of accredited schools
- monitoring whether accredited schools continue to comply with the accreditation criteria
- monitoring whether the governing bodies of accredited schools are suitable to continue to be a school's governing body
- 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
- monitoring and enforcing compliance with the Act and Regulation
- conducting investigations about contraventions of, or noncompliance with, the Act
- examining, and advising the Minister about, the operation of the accreditation and eligibility for government funding schemes under the Act, including, for example, examining and reporting on a matter referred to the Board by the Minister, and
- another function given to the Board under the Act or another Act.

Secretariat

The secretariat provides administrative and operational support to the Board and is sourced from and located within the Department of Education (section 120 of the Act).

Authorised persons

Authorised persons are appointed by the Board under section 130 of the Act to exercise certain functions as an authorised person. Authorised persons gather evidence to support the Board to undertake its legislative functions.

Regulatory strategy

The regulatory strategy is underpinned by a set of regulatory principles (Figure 1) that reflect the [Queensland Government's Regulatory Performance Framework](#) (Queensland Treasury, 2023) and the 5 regulatory model practices for regulators, which are to:

- ensure regulatory activity is proportionate to risk and minimises unnecessary burden
- consult and engage meaningfully with stakeholders
- provide appropriate information and support to assist compliance
- commit to continuous improvement, and
- be transparent and accountable in actions.

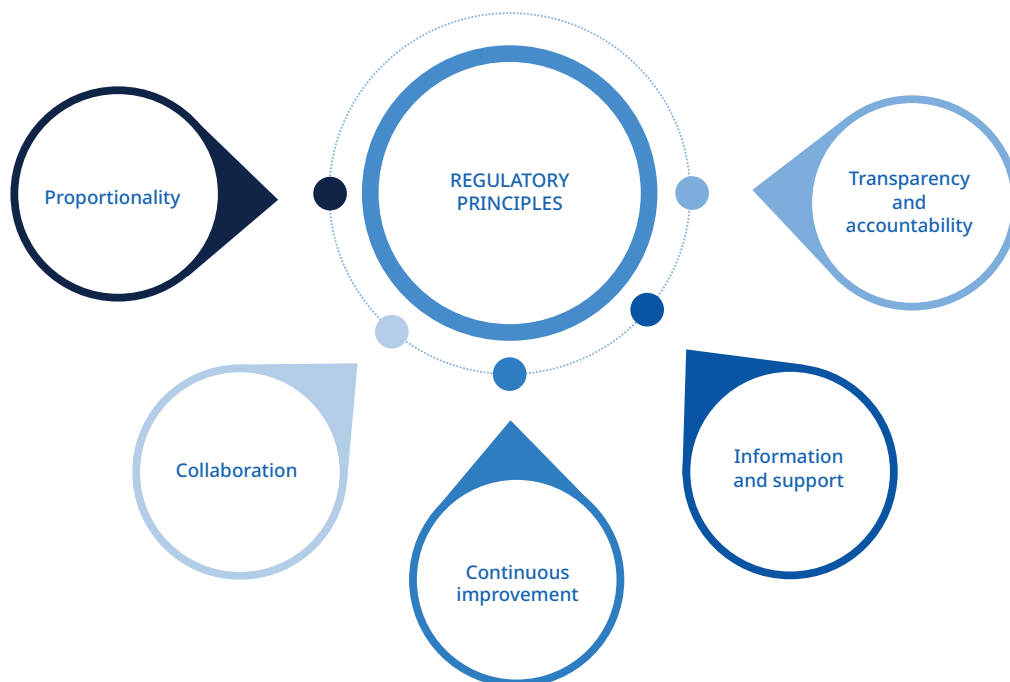


Figure 1 | Regulatory principles

Regulatory principles	
Proportionality	The transition of regulatory activities to a proactive and risk-based approach is being undertaken. Identified non-compliance will be managed and responded to proportionally based on the level of risk to the safety and welfare of students while seeking to minimise unnecessary regulatory burden.
Collaboration	Proactive consultation and engagement will be undertaken in a collaborative way with stakeholders.
Continuous improvement	Continuously improving regulatory responsiveness, performance and capability, and making improvements to the way the sector is regulated.
Information and support	Providing accurate, clear, timely, consistent and accessible information to support schools and governing bodies to understand their obligations and how to achieve and maintain compliance with legislation.
Transparency and accountability	Being a transparent, accountable, consistent and responsive regulator in how regulatory activities are performed and decisions are made.

Regulatory approach

Risk-based approach to regulation

The Board applies a risk based approach to regulation. This means that it assesses risk as part of its decision making and responds in a way that is proportionate to that risk. This targeted approach ensures that regulatory activities are effective, regulatory burden is minimised, and resources are allocated where they will have the greatest impact.

Four categories of risk have been identified, as described in Figure 2.



Figure 2 | Regulatory risk categories

The Board expects non-state schools to comply with all compliance obligations. However, it considers the most significant compliance risks that schools must manage are:

- ensuring the safety of students, including through upholding the Child Safe Standards and Universal Principle
- responding promptly and correctly when harm to a student is identified, including complying with Reportable Conduct Scheme requirements, and
- delivering quality educational programs.

The above risks are important for all students but are especially important for those students who are vulnerable. The Board will respond to non-compliance that is related to the above risk issues, with the highest priority and the strongest regulatory action available to it.

When making risk based decisions, the Board will also consistently consider the following key factors:

- compliance history
- the impact of any non-compliance on students, staff and families
- the impact of any non-compliance on the reputation of the sector
- the adequacy of controls in place to prevent ongoing non-compliance
- the attitude of the non-state school to the non-compliance including its cooperation with the Board.

A non-state school and its governing body will be less likely to face statutory enforcement action where it:

- accepts that a non-compliance has occurred
- proactively identifies why the non-compliance has occurred
- reflects on what went wrong and how to prevent reoccurrence
- cooperates fully and promptly with the Board's regulatory and investigative activities, including any requests or requirements to take action to resolve the non-compliance.

Approach is proportionate to risk

Schools and governing bodies have the primary responsibility for achieving and maintaining compliance with their obligations under the Act and Regulation.

Compliance activities will be proportionate and appropriate to the risk – including by moving to proactive and responsive approaches. In each circumstance, the full range of options available will be considered and a consistent, balanced and proportionate approach taken. (see Figure 3)

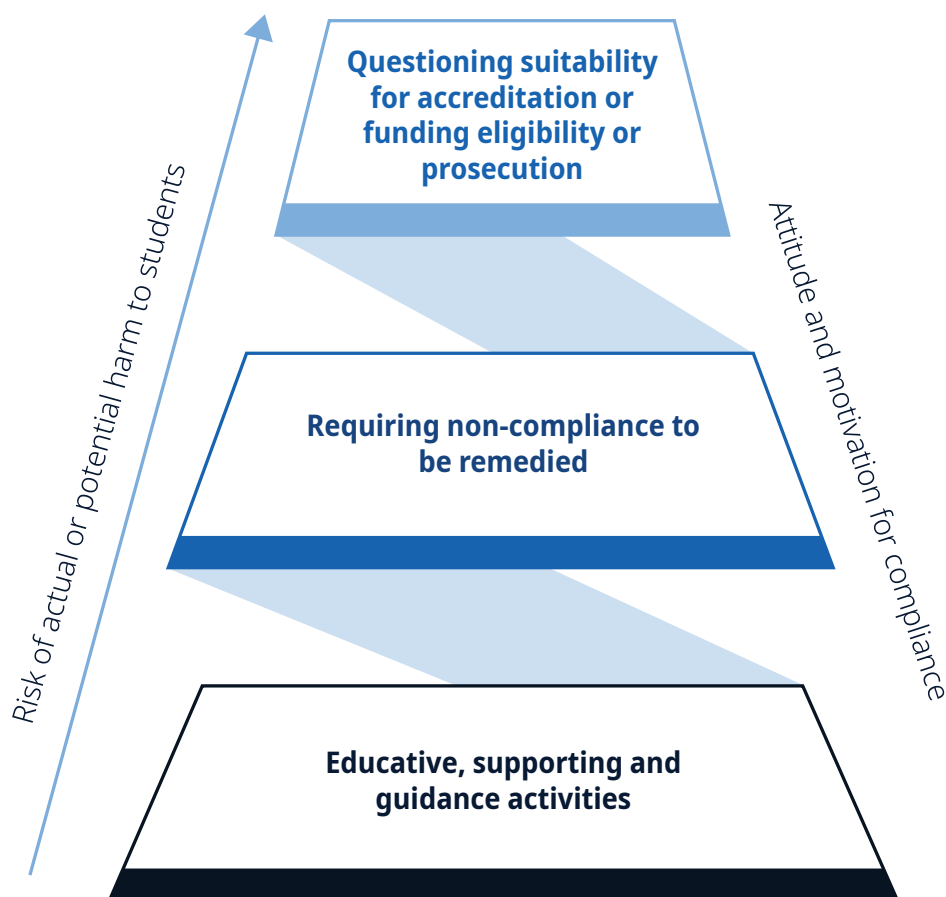


Figure 3 | Regulatory approach

Educative, supporting and guidance activities

It is recognised that engagement, education and support are vital to help ensure schools and governing bodies are equipped to meet their obligations. Encouraging voluntary compliance through providing guidance and advice is an important regulatory activity, particularly for new schools and governing bodies, to assist them to understand their obligations and responsibilities.

Requiring non-compliance to be remedied

Where non-compliance remains ongoing or may reoccur, the Board will require the non-state school to remedy the non-compliance or put in place changes to practices to prevent reoccurrence. Whilst the Board will support the non-state school to improve, it is important that the school and its governing body are proactive when a non-compliance is brought to their attention.

Questioning suitability for accreditation or funding eligibility or prosecution

The most serious enforcement responses will be taken where there is evidence of serious non-compliance, a school or governing body is found to be unwilling and/or unable to comply with their obligations, or where there are repeated or serious failings in compliance. Where a significant risk of harm or potential harm to students has been identified, the approach that will be taken will be at the highest level of intervention.

Regulatory activities

Actively undertaking a range of regulatory activities puts the quality of education and safety of students at the centre of any action taken. Regulatory activities are almost always used in combination to respond proportionately to risk.



Figure 4 | Regulatory activities

Assessment and accreditation

Assessment and accreditation are core components of regulatory activities, ensuring that non-state schools meet and uphold legislated standards for education and governance. All non-state schools in Queensland require accreditation to operate. A comprehensive accreditation process will be used to assess new schools that considers their educational programs, governance models, financial viability, and physical facilities.

These activities aim to foster a transparent and supportive relationship with schools. Clear guidelines and constructive feedback will be provided to assist schools in understanding and meeting their legislative obligations.

Education, engagement and support

It is recognised that building and maintaining cooperative and productive relationships with schools and governing bodies is important to ensuring they are aware of, and know how to comply with, their legislative obligations.

Education is one of the primary regulatory activities. Educational activities are aimed at building schools' and governing bodies' capacity, knowledge and understanding of their responsibilities, and assist them to understand how to achieve and maintain compliance.

Effective engagement is an essential part of the regulatory approach. By communicating in a professional, transparent and responsive way, the aim is to build strong collaborative relationships with schools and governing bodies. Effective engagement will help build a common understanding of the role of the regulator, how regulation is conducted and what can be expected from the regulator, as well as help schools and governing bodies understand and maintain their responsibilities under the Act.

A range of accessible educational resources and guidance materials will be provided to help schools understand the regulatory approach and their responsibilities under the Act. Fostering a new way of working with schools and governing bodies will support and guide schools and governing bodies to recognise their own risks and achieve and maintain their compliance.

Complaints, monitoring and compliance

Monitoring how schools and governing bodies comply with their obligations as set out by the Act and Regulation through a range of activities using a risk-based approach is part of the regulatory approach. The monitoring and compliance program includes routine assessments, audits and annual returns from our regulated entities. Transitioning to proactive monitoring will assist in identifying potential risks and/or non-compliance sooner.

When it is identified that a school and governing body do not meet their obligations, the response will be in a way that is proportionate to the problem to be addressed. This will be achieved through a range of activities including education, complaints handling, and monitoring and compliance.

Investigations and enforcement

Investigation and enforcement activities are driven by a commitment to monitor risks, identify issues before they emerge, and to respond appropriately and proportionately when there is evidence of non-compliance.

Investigations ensure schools and governing bodies are held accountable to their legislative responsibilities. Investigation activities can be commenced as the result of complaints, referrals, and red flags identified during compliance and monitoring activities.

Enforcement actions can include a range of responses such as compliance notices, show cause notices, amendments, cancellations and prosecutions, depending upon the nature of the non-compliance and actions available under the Act.

Ways of working

Engagement with the non-state schooling sector

Committing to listening to sector voices to understand opportunities and risks will continue to ensure all students are safe and receive quality education. Effective communication and collaboration with stakeholders are crucial to supporting the ongoing success of regulatory functions. Feedback from the sector also helps to inform continuous improvement.

Commitment to building and evaluating regulatory capability

Becoming a trusted, respected and efficient regulator requires consistent focus on strengthening regulatory capabilities. Investing in building regulatory capability through ongoing training and professional development for Board members, secretariat staff and authorised persons will ensure they have the necessary skills and knowledge to perform their functions and roles.

Commitment to continuous improvement

Regular evaluation and assessment of regulatory practice, performance and activities and engagement in critical reflection will support continuous improvement. This will be undertaken annually and in collaboration with stakeholders to ensure continual adherence to the regulatory principles, leverage technological innovation and align with best practice.