School Bodies as Approved Providers of Education and Care Services

What a school representative body needs to understand

When a **school representative body (SRB)** is the **Approved Provider** of an education and care service, it has direct legal responsibilities under the **Education and Care Services National Law** and the **Education and Care Services National Regulations**, as applied in the Northern Territory (NT) through the **National Quality Framework (NQF).**

1. The Approved Provider has direct legal responsibilities

The SRB should know:

- which legal entity holds the provider approval;
- which education and care services are covered;
- who is responsible for day-to-day operation;
- what responsibilities remain with the Approved Provider despite operational delegation; and
- what information and assurance the SRB receives about compliance.

Delegating operational functions to a principal, service manager, nominated supervisor or other employee does not, by itself, transfer the Approved Provider's statutory responsibilities.

2. Children's safety, rights and best interests are paramount

From **27 February 2026**, the National Law requires the safety, rights and best interests of children to be the **paramount consideration** in decisions and actions relating to the operation and delivery of education and care services.

For a SRB, this is relevant not only to direct child-safety matters but also to decisions concerning:

- staffing;
- budgets and resources;
- qualifications and training;
- physical environments;
- digital environments;
- policies and procedures; and
- other operational priorities.

The SRB should be able to demonstrate how child safety was considered when making significant decisions affecting the service. Such as staffing and supervision; updating resources and delegation of finances.

3. Compliance is broader than having policies

An Approved Provider must have appropriate systems, policies and procedures and ensure they are implemented.

The SRB must require evidence of how policies work in practice, rather than just checking that the paperwork exists.

This includes assurance concerning:

- supervision and staffing;
- educator-to-child ratios;
- Working with Children Clearances;
- recruitment and suitability;
- child-safety and child-protection training;
- incident and complaint management;
- mandatory and regulatory reporting;
- digital-device and image controls;
- risk management; and
- corrective action when problems are identified.

4. Several reporting obligations operate separately

A child-safety matter may trigger more than one reporting obligation.

For example, the service may have obligations to:

- notify **QECNT** under the National Law;
- make a mandatory report under **Northern Territory child-protection legislation**; and
- take other action required by law, policy or another regulatory authority.

A report made under one regime should not automatically be assumed to satisfy another.

5. PILDA creates a separate civil-liability framework

The **Northern Territory Personal Injuries (Liabilities and Damages) Act 2003 (PILDA)** operates separately from the NQF.

Part 3A creates a statutory duty concerning the prevention of defined child abuse and provides for institutional liability and, in specified circumstances, vicarious liability.

Importantly, where the statutory conditions are satisfied and abuse is established, the institution may bear the evidentiary burden of demonstrating that it took the required reasonable preventative steps.

This makes **evidence of prevention** particularly important.

6. Governance records matter

An SRB should be able to demonstrate that it has appropriate oversight of child safety. Depending on the issue, relevant evidence may include:

- council/board or committee minutes;
- compliance reports;
- risk assessments;
- training records;
- screening and clearance records;
- recruitment and reference checks;
- incident and complaint records;
- regulatory notifications;
- corrective-action registers;
- policy reviews; and
- records showing how identified risks were addressed.

The SRB does not need to perform every operational task itself. It does need an appropriate **governance and assurance framework** that enables it to know whether those tasks are being performed effectively.

7. The key governance question

The central question for an Approved Provider SRB is:

Can the SRB demonstrate that it understands its legal responsibilities, receives reliable assurance about child-safety compliance, acts on identified risks, and can produce evidence of the preventative measures taken?