

This procedure must be read in conjunction and interpreted in line with the [Education Participation \(Enrolment and Attendance\)](#) policy.

1. OVERVIEW

- 1.1 The ACT Education and Training Directorate (the Directorate) recognises that there are occasions when it will not be appropriate to require a child to be enrolled or registered, or to meet the full-time participation requirements of the *Education Act 2004* (the Act). To cater for these exceptional circumstances, the Director-General of the Directorate has the authority to issue an Exemption Certificate, releasing the child from their participation obligations.
- 1.2 This procedure outlines matters which the Director-General may consider when deciding whether or not to issue an Exemption Certificate.
- 1.3 This procedure applies to all children of compulsory education age living in the ACT.
- 1.4 The application form and information about the process of applying for an Exemption Certificate is available on the Directorate's website at http://www.det.act.gov.au/publications_and_policies/publications_a-z.

2. RATIONALE

- 2.1 The ACT Government is committed to ensuring all children living in the ACT receive a quality education that meets their individual needs. To this end, the Act requires all children of compulsory education age to be enrolled with an education provider or registered for home education. If a child has completed Year 10, they may elect to participate in an approved training or employment alternative.
- 2.2 Children and young people must meet the school attendance requirement or full-time participation requirement except where an Exemption Certificate has been issued.

3. DEFINITIONS

- 3.1 In addition to the definitions detailed in the overarching *Education Participation (Enrolment and Attendance)* policy, the following definitions are specific to this procedure.

- 3.2 **Applicant** refers to the parent (or in some circumstances the child) who applies for an Exemption Certificate.
- 3.3 **Approved form** means a form provided by the Directorate for the purposes of applying for an Exemption Certificate. Approved forms are available on the Directorate's website at http://www.det.act.gov.au/publications_and_policies/publications_a-z.
- 3.4 **Education course** refers to a variety of courses including study, vocational education and higher education undertaken with an education provider. The Director-General may approve additional education courses.

4. PROCEDURES

4.1 Application

- 4.1.1 An application for an Exemption Certificate must be made by a child's parents, unless reasons are provided which indicate it is not appropriate to require parental consent. The appropriateness of a child signing their own application will be determined on a case-by-case basis. Applications must be made on an approved form published by the Directorate. Information about the application process is available on the Directorate's website: http://www.det.act.gov.au/publications_and_policies/publications_a-z. Applications should include supporting documentation such as medical certificates, school records or other material, where relevant.
- 4.1.2 A child's parents may seek partial or full exemption. An exemption may be sought from either:
- the requirement to be enrolled with an education provider or registered for home education; or
 - the full-time participation requirement.
- 4.1.3 If a child is engaging in part-time attendance or graduated return to school that spans a period of more than five weeks, an application for an Exemption Certificate must be made by a child's parents.
- 4.1.4 An Exemption Certificate is not required for a known period of absence due to illness, other reasonable excuses or a graduated return to school or part-time attendance that spans a period of less than five weeks. Examples of reasonable excuses for non-attendance are discussed in the *Attendance at ACT public schools* procedure on the Directorate's website: http://www.det.act.gov.au/publications_and_policies/policy_a-z.
- 4.1.5 Exemption Certificates are only issued in exceptional circumstances when it is evident to the Director-General that it is not appropriate to require a child or young person to be enrolled or registered, or to meet the full-time participation requirements of the Act. Exemption Certificates will not be issued for reasonable excuses for absences under the *Attendance at ACT Public Schools* procedure.

- 4.1.6 Applicants will be notified of the Director-General's decision within 28 working days of receiving an application on the approved form.
- 4.1.7 Applications which are incomplete will be deemed not to have been submitted and will be returned.
- 4.1.8 If an application which appears to be complete does not contain sufficient information to enable the Director-General to make a decision, the Director-General may write to the applicant requesting additional information.
- 4.1.9 If the applicant does not respond and provide the requested information within the stated timeframe, the application may be taken to have been withdrawn.

4.2 **Consideration**

- 4.2.1 The Director-General will consider each application individually, on its merits.
- 4.2.2 In determining whether to grant an Exemption Certificate, the Director-General's foremost consideration will be the best interests of the child in question.
- 4.2.3 Additional consideration may also be given to the child's:
- health;
 - education;
 - sense of racial, ethnic, religious or cultural identity;
 - development; and
 - whether the exemption would benefit the child or young person.
- 4.2.4 The Director-General may take into account any additional relevant information in deciding whether to grant an Exemption Certificate. For example, information provided to the Director-General about the child's family circumstances and plans for the future may be relevant to the decision.

4.3 **Decision**

- 4.3.1 An Exemption Certificate, if granted, will state:
- the date it is issued;
 - the name and date of birth of the child to whom the exemption applies;
 - the period for which the exemption is in force;
 - the extent of the exemption from the full-time participation requirement (if applicable); and
 - any conditions attached to the exemption.
- 4.3.2 It is the responsibility of the parents and the child to ensure that they familiarise themselves with the Exemption Certificate and fully comply with its conditions and requirements.

4.3.3 If the Director-General decides not to issue an Exemption Certificate, the applicant will receive a statement of reasons for the decision, which will include:

- evidence considered;
- facts relied upon;
- any person or organisation consulted;
- reasons for the decision; and
- the applicant's appeal rights.

This is a reviewable decision, which means that the applicant may appeal the decision in accordance with Section 4.6 of these procedures.

4.4 **Conditions**

4.4.1 An Exemption Certificate may be issued with conditions. The Director-General may attach any condition to an Exemption Certificate that the Director-General is satisfied is reasonable.

4.4.2 If an application for an Exemption Certificate is made on the grounds that the child is unwell, and receiving medium to long-term hospital treatment which renders the child incapable of engaging in education, a condition attached to the Certificate may be that the child's parents must advise the Directorate when the child no longer requires the treatment.

4.5 **Compliance and revocation**

4.5.1 The Directorate will monitor compliance with Exemption Certificates. This may include informal or formal contact with the parents of children for whom an Exemption Certificate is in place. The Directorate will seek to confirm if:

- the circumstances which contributed to the decision to grant the Exemption Certificate still exist;
- any conditions placed on the exemption are being met;
- the parent has made arrangements for the child to re-enrol or register, or to resume full-time participation, if the child is still of compulsory education age when the Exemption Certificate expires.

4.6 **Appeals and complaints**

4.6.1 The applicant may appeal any of the following decisions to:

- issue an Exemption Certificate for a period shorter than the period applied for;
- issue an Exemption Certificate with participation requirements;
- refuse to issue an Exemption Certificate;
- issue an Exemption Certificate subject to a condition or conditions; or
- revoke an Exemption Certificate.

4.6.2 Appeals should be made in accordance with the Directorate's *Review of Decisions* policy, which is available on the Directorate's website: http://www.det.act.gov.au/publications_and_policies/policy_a-z.

- 4.6.3 Where there are concerns regarding the application of this procedure or the procedure itself, people should:
- contact the school principal in the first instance;
 - contact the Directorate's Community Liaison section; or
 - access the Directorate's *Complaints Resolution* policy, which is available on the Directorate's website at http://www.det.act.gov.au/publications_and_policies/policy_a-z.

- 4.6.4 Officers dealing with appeals or requests for review of decisions should identify complaints against the Directorate, which are included in the same correspondence as the appeal or request for review, but which fall outside its scope. This information must be referred to the Community Liaison section. Appellants will be kept informed of any referrals to the Community Liaison section.

5. PROCEDURE OWNER

Director, Information, Communications and Governance

For support in relation to this procedure please contact Information, Communications and Governance Branch on (02) 6205 9400.

6. RELATED DOCUMENTS

Education Participation (Enrolment and Attendance) policy

Complaints Resolution policy

Attendance at ACT Public Schools procedure

Attendance at ACT Non-government Schools procedure

Enrolment in ACT Public Schools (Preschool to Year 12) procedure

Non-compliance procedure

Review of Decisions policy