

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

1. OVERVIEW

- 1.1 Part 2.4 of the *Education Act 2004* (the Act) permits a child who has completed Year 10 to engage in work-related training or employment alternatives rather than attend school or fulfil the full-time participation requirement with an alternative education provider, if they have an Approval Statement issued by the ACT Education and Training Directorate (the Directorate).
- 1.2 This procedure does not cover education options such as full-time study or vocational training at a registered training organisation, university or higher education provider. For further information about education options other than school, refer to the Directorate's *Education Options (other than school)* procedure on http://www.det.act.gov.au/publications_and_policies/policy_a-z.
- 1.3 This procedure does not impact on children engaged in casual or part-time employment in addition to their full-time education.

2. RATIONALE

- 2.1 The Directorate recognises that for some children, enrolment with an education provider or registration for home education is not the best option post-Year 10. To cater for these individuals, the Director-General has the authority to issue an Approval Statement, enabling the child to engage in one of the following three alternatives:
 - 2.1.1 full-time work-related training (such as an Australian apprenticeship);
 - 2.1.2 full-time employment; or
 - 2.1.3 any combination of work-related training and/or employment and/or education to the extent that is equivalent to full-time participation in an education course.
- 2.2 The Directorate, alongside parents and the community, plays a key role in ensuring that children in the ACT make the most of the education, training and employment opportunities through compliance with the Act's attendance and participation requirements.

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 Approval Statement.
- 3.3 **Approved form** means a form provided by the Directorate for the purposes of applying for an Approval Statement. Approved forms are available on the Directorate's website at http://www.det.act.gov.au/publications_and_policies/publications_a-z.
- 3.4 **Employment** refers to the performance of paid work under a contract of services or for services.
- 3.5 A **Pathways plan** is a document prepared by a student as a part of an ongoing discussion to support the student's transition through school to further education and training or employment.
- 3.6 **Work-related training** refers to nationally recognised, accredited, work-related training such as an apprenticeship or traineeship.

4. PROCEDURES

4.1 Application process

- 4.1.1 An application for an Approval Statement must be made by the parent/s of a child, unless reasons are provided which indicate it is not appropriate to require parental consent. Applications must be made on an approved form published by the Directorate and accompanied by a copy of the child's Pathways Plan. Application packs and further information about the application process are available from schools or from the Directorate's website: http://www.det.act.gov.au/publications_and_policies/publications_a-z.
- 4.1.2 Applicants may need to include additional documentation in support of their application. The type of supplementary documentation required will depend on the nature and combination of work-related training or employment alternative/s they seek approval to engage in and/or their individual personal circumstances. Such documentation may include academic records or written references.
- 4.1.3 The Directorate will make every effort to support applicants to access the most appropriate work-related training or employment alternative to suit their individual needs and chosen career path.

- 4.1.4 Applicants should submit their application at least three weeks prior to the commencement of the work-related training or employment alternative, in order to allow the Directorate time to process the application. Parents are encouraged to contact the child's school/college and the Directorate (contact at end of document) advising the potential for employment or work-related training as soon as the child or young person commences approaching employers or is considering post Year 10 alternatives.
- 4.1.5 If an applicant is entering into an Australian Apprenticeship, their National Training Contract constitutes an application for an Approval Statement.
- 4.1.6 Applications which are incomplete will be deemed not to have been submitted and will be returned.
- 4.1.7 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.
- 4.1.8 If the applicant does not respond and provide the requested information within the stated timeframe, the application may be taken to have been withdrawn.
- 4.1.9 Wherever possible, applicants will be advised that their application has been received and notified of the outcome of the decision regarding their application within 15 working days, pending application validity and the provision of all required supplementary information.
- 4.2 **Consideration**
- 4.2.1 The Director-General will consider each application individually, on its merits.
- 4.2.2 In determining whether to issue an Approval Statement, 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;
 - the child's education;
 - the child's sense of racial, ethnic, religious or cultural identity;
 - the child's development; and
 - whether the work-related training or employment alternative for which approval is sought would benefit the child.
- 4.2.4 The Director-General may take into account any additional relevant information in deciding whether to issue an Approval Statement. 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 Approval Statement, if granted, will state:

- the date it is issued;
- the name and date of birth of the child to whom the approval applies;
- the period for which the Approval Statement is in place;
- the participation requirements (for example 'full-time participation' or 25 hours per week');
- any conditions attached to the approval; and
- any particulars described by legislation.

4.3.2 It is the responsibility of the parents and the child to ensure that they familiarise themselves with the Approval Statement and fully comply with all of its conditions and requirements.

4.3.3 If the Director-General decides not to issue an Approval Statement, 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 All Approval Statements may be issued with conditions. A child who is the subject of an Approval Statement must participate full-time in work-related training or employment or a combination of these unless otherwise stated in the Approval Statement.

4.4.2 The Director-General may attach any condition to an Approval Statement that the Director-General is satisfied is reasonable.

4.5 **Compliance and revocation**

4.5.1 The Directorate will monitor compliance with Approval Statements. This may include informal or formal contact with the parents or children for whom an Approval Statement is in place. The Directorate may use a range of communication methods as appropriate to each individual situation. The Directorate may seek to confirm:

- whether the circumstances which contributed to the decision to grant the Approval Statement still exist; and
- that any conditions on the Statement are being met.

- 4.5.2 The Director-General may revoke an Approval Statement if:
- any of the grounds for issue of the Approval Statement no longer apply in relation to the child; or
 - a condition of the Approval Statement has been breached; or
 - the Approval Statement was issued in error.
- 4.5.3 If a child for whom the Approval Statement is in force experiences a change in circumstances, or wishes to alter their arrangements, the parents of the child must notify the Directorate in writing as soon as practical to do so.

4.6 **Appeals and complaints**

- 4.6.1 The applicant may appeal any of the following decisions to:
- issue an Approval Statement for a shorter period than applied for;
 - issue an Approval Statement approving other than full-time participation ;
 - refuse to issue an Approval Statement;
 - issue an Approval Statement subject to conditions; or
 - revoke an Approval Statement.
- 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, Training and Tertiary Education

For support in relation to this procedure please contact Training and Tertiary Education Branch on (02) 6205 9400.

6. RELATED DOCUMENTS

Education Participation (Enrolment and Attendance) policy

Attendance at ACT Non-government Schools procedure

Attendance at ACT Public Schools procedure

Education Options (other than school) procedure

Exemption Certificates procedure

Non compliance procedure