EXEMPTION CERTIFICATES PROCEDURE

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

Publication date: June 2016

OVERVIEW

The ACT Education 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.

This procedure outlines matters which the Director-General may consider when deciding whether or not to issue an Exemption Certificate.

This procedure applies to all children of compulsory education age living in the ACT.


RATIONALE

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 work-related training or employment alternative.

Children and young people must meet the full-time participation (attendance) requirements of their education provider except where an Exemption Certificate has been issued.

DEFINITIONS

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

Applicant refers to the parent (or in some circumstances the child) who applies for an Exemption Certificate.
Application for an Exemption Certificate form is a form provided by the Directorate for the purposes of applying for an Exemption Certificate. This form is available on the Directorate’s website at https://www.education.act.gov.au/about-us/policies-and-publications/publications_a-z.

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.

Home education means education conducted by one or both of the child’s parents from a home base.

PROCEDURES

Application process

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.

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 the approved form published by the Directorate. Information about the application process is available on the Directorate’s website: https://www.education.act.gov.au/about-us/policies-and-publications/publications_a-z.

Applications should include supporting documentation such as medical certificates, school records, individual learning plans (ILPs) or other material, where relevant.

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.

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 school weeks. Examples of reasonable excuses for non-attendance are discussed in the Attendance at ACT Public Schools procedure on the Directorate’s website: https://www.education.act.gov.au/about-us/policies-and-publications/publications_a-z.

Exemption Certificates are not required for students who are travelling or undertaking student exchange programs, including for extended periods of 25 full school days or more.

When applying for an Exemption Certificate, applicants should note the following:
Exemption Certificates will not be granted for a period longer than six months except in the case of a young person entering into a national training contract as an apprentice or trainee.

An Individual Learning Plan must accompany an application for partial exemption.

Applicants will be notified of the Director-General’s decision within 28 working days of receiving an application on the approved form.

Applications which are incomplete will be deemed not to have been submitted and will be returned.

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.

If the applicant does not respond and provide the requested information within the stated timeframe, the application may be taken to have been withdrawn.

Consideration

The Director-General will consider each application individually, on its merits.

In determining whether to grant an Exemption Certificate, the Director-General’s foremost consideration will be the best interests of the child in question.

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.

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.

Decision

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.
It is the responsibility of the parents and the child to ensure that they familiarise themselves with the Exemption Certificate conditions and requirements and fully comply with them.

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 right to seek a review of the decision.

The applicant may request a review of the decision in accordance with Section 4.6 of these procedures.

**Conditions**

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.

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

**Compliance and Monitoring**

Exemption Certificates will not be granted for a period longer than six months, except in the case of work-related training or employment alternative. The following actions will be carried out at the end of the Certificate’s six month period for all exemption certificates:

- The attendance status of the student will be confirmed to ensure they are attending school or continue to be engaged in work-related training or employment.
- If the Certificate has expired and the student is not attending school or engaged in training or work, the school will be reminded to engage the family and student to ensure they are engaged with schooling or training or work, if the child is still of compulsory education age when the Exemption Certificate expired.
- Any application for exemption certificate renewal will be reviewed to ensure that the exemption conditions remain.

The exemptions database will record details of the exemption condition including the basis for exemption as well as demographic details including whether the student is accessing disability education support programs, the student is an Aboriginal or Torres Strait Islander, comes from a Culturally or Linguistically Diverse group or is in out of home care.
The Director-General may revoke an Exemption Certificate if:

- any of the grounds for issue of the Exemption Certificate no longer apply in relation to the child; or
- a condition of the Exemption Certificate has been breached; or
- the Exemption Certificate was issued in error.

If a child for whom the Exemption Certificate has been issued 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.

**Review of decisions**

Reviewable decisions are decisions made under legislation for which there are pre-determined decision making and appeal considerations.

Reviewable decisions regarding Exemption Certificates include:

- issue an Exemption Certificate for a period shorter than the period applied for;
- issue an Exemption Certificate exempting child from full-time participation requirement – participation stated in an Exemption Certificate;
- refuse to issue an Exemption Certificate;
- issue an Exemption Certificate subject to a condition or conditions; or
- revoke an Exemption Certificate.


Where there are concerns regarding the application of this procedure or the procedure itself, people should:

- contact the school principal in the first instance; or
- contact the Directorate’s Liaison Unit.

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

**Complaints**

Complaints relating to decisions made by the Directorate that are not reviewable decisions may be addressed through the Directorate’s complaints resolution processes described in the *Complaints* policy which is available on the Directorate’s website at: [https://www.education.act.gov.au/about-us/policies-and-publications/publications_a-z](https://www.education.act.gov.au/about-us/policies-and-publications/publications_a-z).
PROCEDURE OWNER

Director, Student Engagement

For support in relation to this procedure please contact Transitions and Careers on (02) 6205 7873.

RELATED DOCUMENTS

- Education Participation (Enrolment and Attendance) policy
- Complaints policy
- Review of Decisions 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
- Education Options (other than schools) procedure
- Post Year 10 Alternatives (work-related training and employment) procedure