

GUIDELINES

DECLINED OR CANCELLED HOME EDUCATION

Responsibility of:	School Support Services	DET File: FILE2014/131
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Target Audience:	Corporate and School Staff, Parents and Community	

This document should be read in conjunction with [Home Education policy and associated guidelines](#).

1. INTRODUCTION

The department works with parents who choose to home education their children to ensure that home education programs are lawful and enable Northern Territory (NT) children to experience appropriate education.

Where the department's enquiry into a home education application determines that a proposed home education program is not suitable, the department must **decline** the application.

Where the department's enquiry into approved home education determines that a parent is not complying with the conditions of approval to provide home education or that the child is not making satisfactory progress, the department must **cancel** the home education approval.

These guidelines outline the department's responsibilities under the [Education Act](#) (the Act) to ensure that procedural fairness is afforded when a home education is declined or cancelled.

2. DEFINITIONS

Home inspection for application assessment is a home inspection by a principal/delegated departmental officer undertaken as part of the home education application process for new home education applications. The principal/delegated departmental officer must complete a written report based on the home inspection for submission to Home Education Officer.

Home Inspection for approved home education refers to a requirement under section 47 of the Act for an annual home inspection to be undertaken for all approved home education to ensure that suitable home education is being provided in accordance with the conditions of approval to home educate.

Parent signifies a child's father, mother or any other person who has parental responsibility for the child, including a person who is regarded as a parent of the child under Aboriginal or Torres Strait Islander customary law or tradition.

Parental responsibility (in regards to the definition of parent) refers to a person who has:

- a) daily care and control of the child, or
 - b) is entitled to exercise all the powers and rights, and has all the responsibilities, in relation to the long-term care and development of the child, or
 - c) has daily care and control of the child and the entitlement and responsibilities at (b)
- and includes a person who has been given the above responsibilities under another state or territory law.

3. ROLES AND RESPONSIBILITIES

Executive Director School Support Services is responsible for:

- overseeing the administration of home education in the NT in accordance with the *Education Act*
- acting as the delegate of the Chief Executive, make determinations to:
 - approve or decline a home education application
 - place conditions on an approval
 - cancel a home education approval
 - finalise a review conducted by the Home Education Review Panel.

Home Education Project Officer is responsible for:

- providing information and advice to parents and department staff in relation to the home education
- coordinating the home education application process
- liaising with parents and relevant department staff in relation to home education applications
- coordinating home inspections for approved home education
- maintaining secure and accurate records relevant to the administration home education
- coordinating the establishment of a Home Education Review Panel as required.

Director and Senior Manager for NT Curriculum T-9 and 10-12 are responsible for:

- overseeing the assessment of home education applications by senior teachers
- preparing Curriculum Assessment Reports on applications for home education.

Regional Directors are responsible for:

- ensuring that home inspections are conducted in accordance with the required timelines within their region
- ensuring that principals or department officers complete and submit Home Inspection Reports to the Home Education Officer within the required timelines
- forming part of a Home Education Review Panel as required.

Principals are responsible for:

- scheduling and conducting home inspections as requested by the Home Education Officer
- preparing Home Inspection Reports that provide a recommendation to the Executive Director regarding:
 - whether a proposed home education is appropriate for approval
 - whether an approved home education is being conducted in accordance with the approval.

Parents are responsible for:

- submitting timely and complete applications including all supporting documentation
- ensuring their child/ren remain enrolled in school until such time as an approval to home educate is granted
- accommodating a home inspection as part of the application approval process
- delivering home education in accordance with the approved home education and the conditions of approval
- accommodating a home inspection to demonstrate the progress of the child against the home education program
- inform the department of any changes to home education or when home education ceases.

4. HOME EDUCATION APPLICATION DECLINED

A home education application will be declined where an inquiry into the application through a curriculum assessment and home inspection determines that:

- a) the proposed home education is not suitable, and/or
- b) there is no provision of appropriate resource and materials, and/or
- c) the learning environment and facilities are not suitable, and/or
- d) there is concern for the safety and wellbeing of the child (refer to [Mandatory Reporting guidelines](#)).

Where a Home Education Application is not completed adequately and no response is received within 30 days of a written Request for Additional Information, the department may also decline the application.

A Home Education Application may also be declined if parents repeatedly fail to comply with a home inspection request.

4.1 Home Education Application Declined Notice

Where a home education application is declined, parents are provided with written notice that will:

- a) outline the reasons for the decision to decline the application, and
- b) invite the parents to provide a written response, within 30 days, as to why the home education application should be approved, and
- c) include a copy of the Home Education Curriculum Assessment Report, the Home Inspection Report and any other records relevant to the decision.

5. APPROVED HOME EDUCATION CANCELLED

An approval to home educate will be cancelled where a home inspection determines that:

- a) home education is not being delivered in accordance with the Notice of Approval, and/or
- b) the child is not making satisfactory progress against the curriculum, and/or
- c) the learning environment and facilities are not suitable, and/or
- d) there is concern for the safety and wellbeing of the child (refer to [Mandatory Reporting guidelines](#)).

Additionally, if parents repeatedly fail to comply with a home inspection request the home education approval may be cancelled.

6.1 Home Education Approval Cancelled Notice

Where an approval to home educate is cancelled, parents are provided with written notice that will:

- a) outline the reasons for the decision, and
- b) invite the parents to provide a written response, within 30 days, as to why the home education approval should continue, and
- c) include a copy of the Home Education Curriculum Assessment Report, the Home Inspection Report and any other records relevant to the decision.

6. HOME EDUCATION REVIEW PANEL

Where a response to a declined application or cancellation of an approval is received, a Home Education Review Panel will be convened. The panel will consist of:

- an independent principal
- the Director of Senior Years or Director of Curriculum Assessment and Standards
- the Director Student Support
- the Regional Director.

The panel will review the documentation relating to the declined or cancelled home education and consider the parents' written response to determine whether the declined or cancelled status should remain, or whether home education should be allowed to proceed. The panel may also request a home inspection or seek independent advice to assist with their review.

The panel will prepare a report and recommendations and present to the Executive Director for final determination.

7. FINAL DETERMINATION ON DECLINED OR CANCELLED HOME EDUCATION

In consideration of the Panel Report and recommendation the Executive Director will make one of the following determinations:

Determination	Action
<ul style="list-style-type: none">• Application for home education approved	<ol style="list-style-type: none">1. Home Education Approval Notice is provided to the parents with any recommendations regarding the proposed education.2. Parents are to implement the home education program and comply with the conditions of the Home Education Approval Notice. A standard condition of approval will be to accommodate a home inspection in Term 3 of the school year. Refer to Home Inspection for Approved Education guidelines3. New home educators may withdraw their child/ren from school and commence home education. A copy of the Home Education Approval Notice must be provided to the school.

<ul style="list-style-type: none">• Home education approval reinstated	<ol style="list-style-type: none">1. Home Education Approval Notice is provided to the parents outlining any specific conditions on the approval.2. Parents are to continue to implement the home education program in consideration of recommendations provided and in compliance with the conditions of the Home Education Approval Notice.
<ul style="list-style-type: none">• Home education declined• Home education cancelled• No response received	<ol style="list-style-type: none">1. Home Education Declined / Approval Cancelled Notice provided to the parents. The Notice will:<ol style="list-style-type: none">a) outline the reasons for the decisionb) inform parents that if the child/ren are not currently enrolled in a school they must be enrolled within 14 days or enrolment enforcement measures will proceed (A copy of the Enrolment Enforcement guidelines will be provided with the written notice). <p>The Enrolment and Attendance team are required to follow up and ensure that the child/ren are enrolled within 14 days.</p>

8. COMPLAINTS

Complaints relating to the home education process should be made in writing to homeeducation.det@nt.gov.au and will be processed in accordance with the department [complaint process](#).

Where parents wish to seek a review of a home education decision they should refer to the [Declined or Canceled Home Education guidelines](#).

6.1 Review by Tribunal

A parent may apply to the Northern Territory Civil and Administrative Tribunal (NTCAT) for a review of the decision by the department in relation to:

- decline a home education application, or
- impose conditions on an approval to home educate, or
- cancel an approval to home educate.

For a matter to be referred to NTCAT, it must have first been through the department [complaint process](#) or a Home Education Review Panel as outlined in these guidelines.

9. PRIVACY PRINCIPALS AND INFORMATION MANAGEMENT

All information collected in relation to the home education of a child is to be used solely for the purpose of administering home education commensurate with the Act and in accordance with the [Information Act](#).

All records and information relating to home education will be maintained in the department's record management system (Tower Records and Information Management – TRIM) under the security caveat Student Records in Confidence.

10. APPENDICES AND ATTACHMENTS

Appendix A – Application Declined / Approval Cancelled process

11. RELATED POLICY, LEGISLATION AND DOCUMENTS

Department of Education	<ul style="list-style-type: none">• Enrolment policy• Enrolment Enforcement guidelines• Home Education Policy• New Home Education Application guidelines• Continuing Home Education Application guidelines• Home Inspection for Approved Home Education guidelines• Mandatory Reporting of Harm and Exploitation of children guidelines
Northern Territory	<ul style="list-style-type: none">• Education Act• Education Regulations• Information Act• Care and Protection of Children Act
National	<ul style="list-style-type: none">• Australian Curriculum Assessment and Reporting Authority

Appendix A – Home Education Declined / Cancelled Process

Home Education Application Declined

The Education Act requires the department to decline a Home Education Application where enquiries made into the proposal determine that the proposed home education is not suitable.

Where a Home Education Application is not completed adequately and no response is received within 30 days of a request for additional information, the department may decline the application. In such instances a Home Education Review Panel does not have to be convened to review additional information provided.

Home Education Approval Cancelled

The Education Act requires the department to cancel a Home Education Approval where it is believed that :

- a parent is not complying with the conditions of an approval to provide home education; or
- the child is not making satisfactory progress.

Failure to comply with the requirement to schedule a home inspection will result in a Home Education Approval being cancelled.

