

# GUIDELINES

## EXEMPTIONS FROM ATTENDANCE AND PARTICIPATION

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This document should be read in conjunction with the:

- Attendance and Participation policy
- Attendance – Compliance guidelines
- Attendance – Recording and Reporting guidelines
- Attendance – Lesson Attendance Codes and Descriptions

### 1. INTRODUCTION

The department is committed to working with students, parents and the community to support student engagement and reduce barriers that contribute to non-attendance or non-participation. Although full-time attendance and participation is the preferred educational pathway for children, it is acknowledged that in some instances, parents and children are unable to meet this obligation due to a child's individual needs and circumstances.

Where there are special circumstances and flexible education is unsuitable a parent, or student living independently, may apply for a formal exemption from school attendance or participation in an eligible option. The parent should consider the ramifications of their child's non-attendance or non-participation and are encouraged to explore alternatives with the principal prior to seeking an exemption.

There are circumstances where a principal may sanction a student not to attend the school in which the student is enrolled. This applies when a student is suspended, excluded, expelled or directed not to attend the school for a specified time, in accordance with legislation and departmental policy and guidelines. In these circumstances, the parent is legally obliged to ensure their child's non-attendance at that school, or if the student is living independently they are legally obliged to ensure non-attendance at that school, for the time specified.

### 2. DEFINITIONS

**Child of compulsory school age** is a child who has turned six years of age on or before the 30 June of the school year and has not completed Year 10, or turned 17 years of age, whichever comes first.

**Compulsory participation phase** applies to a student who has completed Year 10 and has not turned 17, where the student must participate in an eligible option on a full-time basis until they turn 17. A student who has completed year 10 and has not turned 17 will transition from compulsory school attendance to compulsory participation in an eligible option.

**Eligible option** is participation on a full-time basis in one of the following:

- approved education or training (see table below)
- if 15 years or over, paid employment (minimum average of 25 hours per week) or
- a combination of approved education, training and paid employment.

Approved education or training	Provider
Year 11 or 12 of secondary education in the Territory or equivalent in a State or another Territory	Government or non-government school
An education program or course of study or instruction	Charles Darwin University or Bachelor Institute of Indigenous Tertiary Education
A higher education course of study under the <i>Higher Education Act</i>	A registered higher education provider
An accredited course or approved apprenticeship under the <i>Training and Skills Development Act</i>	A registered training organisation
Other education or training approved by the Chief Executive	The Chief Executive may by gazette notice approve a form of education or training
Other education or training at an institution in a State or another Territory that would comply with the above requirements.	A government or non-government school, registered training provider or registered higher education provider.

**Exemption**, for the purpose of this document, is written approval from the Chief Executive or Minister for Education allowing a:

- child of compulsory school age to be exempt from attending school or undertaking the course requirements of a distant education centre or
- child of compulsory school age to be employed during school hours or in a way that prevents a child from attending school or
- student in the compulsory participation phase to be exempt from participating in an eligible option.

**Flexible education arrangement** is an arrangement that allows a student's educational program to be delivered through the school and/or alternative approved providers.

**Flexible education plan** is a document detailing the flexible education arrangement developed for a student to help them remain engaged in education and/or schooling.

**Student living independently** is a child who is of or above the age of 14 years and not living with a parent. A child who is living with a parent is also considered to be independent if the parent is unable to control the child's behaviour in relation to enrolment, attendance and participation.

**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 customary law or Aboriginal tradition.

**Parental responsibility** of a person signifies that the person:

- a) has daily care and control of the child or
- b) is entitled to exercise all the powers and rights in relation to, and has full responsibility for all aspects of, the long-term care and development of the child or
- c) has daily care and control of the child, and the entitlement and responsibilities mentioned at (b)

and includes a person who has been given the above responsibilities under another state or territory law.

**Special circumstances** are the threshold for granting an exemption. First and foremost, these circumstances must reflect the best interests of a student, and must take into consideration a range of factors including the student's educational pathway. Consideration of the circumstances should not be influenced by factors unrelated to the student's education or wellbeing, such as the best interest of the school or student's family.

### 3. ROLES AND RESPONSIBILITIES

**Minister for Education or delegate** will:

- upon written request from a parent, or student living independently, and endorsement from departmental staff consider and, where appropriate, formally grant an exemption allowing a child to be employed during school hours
- where a student is expelled from the school in accordance with the [expulsion guidelines](#), provide written notice to the parent or student living independently.

**Chief Executive** will:

- in an application where the child is to be exempt for a specified period, where appropriate, approve the application
- in an application where the child is to be exempt for the purposes of employment during school hours, where appropriate, endorse and forward the application to the Minister for Education for approval.

**Regional Directors** will:

- consider an application for exemption for the purpose of endorsement, based on the evidence presented by the principal
- prepare a memorandum or ministerial for the Chief Executive and/or Minister for Education or delegate, recommending whether a student should be exempt
- where an application is not endorsed advise the principal of the reasons for the non-endorsement, and provide written notice of the decision to the applicant.

**Principals** will:

- ensure staff are aware of Northern Territory legislation and departmental policy and guidelines including alternative education strategies, school policies and processes
- work with students and parents to ensure the ramifications of an exemption are fully understood and explore all other alternatives
- consider exemption applications and forward supporting evidence or documents to the Regional Director, as set out in this document
- ensure that a student who is exempt continues to be recorded as enrolled at their school and that their attendance is marked as required for a student who has been exempted

- where a student is exempt, maintain regular communication with the parent, or student living independently, to ensure that the exemption is still in the student's best interests and that any specified conditions continue to be met
- where the student is sanctioned from attendance in accordance with departmental policy and guidelines provide the parent, or student living independently, with formal written notice.

**School staff will:**

- assist the principal with any enquiries relating to a student for the purpose of assessing an application for exemption.

**Parents will:**

- write to the principal requesting an exemption where the child has special circumstances
- ensure their child does not attend the school where a formal written notice sanctioning the student not to attend the school has been provided.

**Students living independently will:**

- write to the principal requesting an exemption where the student has special circumstances
- ensure non-attendance at the school where a formal written notice sanctioning the student not to attend the school has been provided.

## **4. GUIDELINES**

### **4.1 Exemptions from school attendance/participation in eligible option**

The Northern Territory [Education Act](#) (the Act) allows a child to be exempted from school, course requirements provided by a distant education centre, or participation in an eligible option, where there are special circumstances. If there are special circumstances – for example, where the child is seriously ill and cannot physically attend or meet participation requirements – the parent, or student living independently, can apply for exemption.

### **4.2 Employment of a child during school hours**

Under the Act it is an offence to employ a child of compulsory school age who has not completed Year 10 during the hours they are required to attend school, or in any other way that causes the child to be unfit or unable to attend school. However, if special circumstances exist, and it is considered appropriate to do so, the Northern Territory Minister for Education or delegate may grant an exemption allowing the student to be employed.

### **4.3 Approval process**

Parents should explore all available options for their child with the principal prior to making a formal request for exemption from attendance. The decision to exempt a student will be considered carefully to prevent any risk of long-term disadvantage for the student.

#### **Step 1 Explore alternatives prior to seeking an exemption**

Where the student has disengaged from school, has demonstrated patterns of absenteeism, or is unable to attend full-time school due to certain circumstances, the parent, student and school staff should explore the alternative of a flexible education arrangement prior to the parent or student seeking an exemption. If a child participates in a flexible education arrangement in accordance with a principal-approved flexible education plan, and the student meets attendance/participation requirements, an exemption is not required.

## **Step 2 Written request from parent**

A parent seeking an exemption for their child for any purpose should provide a written request to the principal. The request should clearly state the reasons they are seeking an exemption, demonstrate the special circumstances on which they are relying, and specify the anticipated period of the exemption. Supporting evidence or documents should also be provided.

Parents are to provide the written request to the principal a minimum of six weeks before the student wishes to be exempt to allow adequate time for the assessment. In circumstances where the special circumstances were not foreseeable and a six-week provision period is not achievable, the principal, where deemed appropriate, may approve the child's absence during the approval process.

## **Step 3 Memorandum from principal**

The principal will prepare and forward a memorandum to the Regional Director for consideration. All written requests received by the principal must be referred to the Regional Director for determination.

The memorandum should include:

- how the school has worked to engage the student
- how the school has concluded that there is no alternative option for the student
- the principal's assessment of the special circumstances on which the application relies
- the child's flexible education arrangement if one is currently in place at the school
- if the exemption is sought for a specific period of time, how the school will facilitate the child's re-engagement with the school
- additional information such as supporting documentation from a potential employer and/or medical assessments, and the written request from the child's parents
- whether the principal endorses the request.

## **Step 4 Regional Director endorsement/non endorsement**

Where the Regional Director endorses a request to:

- exempt a child from school attendance/participation in an eligible option, the memorandum will be forwarded to the Chief Executive seeking approval
- exempt a child from school attendance for the purpose of employment, a ministerial will be forwarded to the Chief Executive seeking further endorsement and then progressed to the Minister for Education for approval.

Where a request is not endorsed, the Regional Director will advise the principal of the outcome and the reasons the exemption will not be progressed. The Regional Director will also notify the parent in writing of the decision and the reasons for declining the request for exemption.

## **Step 5 Chief Executive/Minister for Education approval**

Where an exemption is approved, the applicant and principal will be advised of the exemption in writing.

The written approval will specify the period of exemption and any conditions that apply. If the student's circumstances change, the child's parents must notify the principal. Any application or determination to vary or revoke the exemption will be processed in the same manner as the original request.

## Step 6 Complaint process

If a child's parent, or student living independently, is unsatisfied with any determination relating to a request for exemption, they may make a complaint about the decision in accordance with the department's [complaints management for school policy and guidelines](#).

## Step 7 Recording enrolment and attendance

Where an exemption is granted, the student must continue to be enrolled at the school with their attendance recorded as 'Attendance Not Required ('B' code)' for each day of the approved exemption.

Where a student wishes to return to school, re-entry should be arranged with the principal. However, any future exemption requested by a returned student must be treated as a new application for exemption in accordance with these guidelines.

### 4.4 Sanctioned non-attendance

There are a number of circumstances where a sanction may be placed on a child's attendance at school. Where a child is sanctioned and written notice is provided the parent, or student living independently, there is a legal obligation to ensure non-attendance in accordance with the notice.

#### (a) Student not to attend school in certain circumstances

If it is reasonably believed that a student is suffering from an infectious disease, the student's parents will be provided written notice by the principal that the student is not to attend the school for a specified period in accordance with section 41 of the Act. For further information, refer to [Medical - Infectious Diseases – exclusions from school policy](#).

#### (b) Student suspended

A principal may suspend a student from attending school for a specific period of time as outlined in section 91 of the Act and [suspension guidelines](#).

#### (c) Student excluded

A student can be excluded from attending school or participating in any school program under section 92 of the Act.

#### (d) Student expelled

A student can be expelled from attending a government school in accordance with section 93 of the Act and [expulsion guidelines](#). Where a principal considers expulsion to be warranted, the student is initially suspended for a maximum period of 20 school days.

### 4.5 Records management

All written requests, supporting documents and written notifications are to be kept in the student's file in accordance with school processes. All documentation relating to sanctioned non-attendance will be managed in accordance with the governing guidelines referred to above.

Regional Directors must ensure any documentation received from the principal is recorded in TRIM in line with the department's record management processes.

## 5. RELATED POLICY, LEGISLATION AND DOCUMENTS

<b>Department of Education</b>	<ul style="list-style-type: none"><li>• <a href="#">Enrolment policy and guidelines</a></li><li>• <a href="#">Expulsion guidelines</a></li><li>• <a href="#">Suspension guidelines</a></li><li>• <a href="#">Medical - Infectious diseases – exclusions from school policy</a></li><li>• <a href="#">Students with disability policy</a></li></ul>
<b>Northern Territory</b>	<ul style="list-style-type: none"><li>• <a href="#">Education Act</a></li><li>• <a href="#">Higher Education Act</a></li><li>• <a href="#">Training and Skills Development Act</a></li></ul>