



## COMMISSION FOR CHILDREN AND YOUNG PEOPLE

24 February 2017  
CCYPD/17/869

Education and Training Reform Regulations Review  
Attention: Strategic Policy Division  
Department of Education and Training  
GPO Box 4367 Melbourne 3001  
det.regulation.review@edumail.vic.gov.au

Dear Strategic Policy Officer

### **Re: Proposed *Education and Training Reform Regulations* and Regulatory Impact Statement (RIS)**

Thank you for the request to comment on the proposed *Education and Training Reform Regulations 2017* and the associated Regulatory Impact Statement (RIS). The Commission for Children and Young People (the Commission) has been established to promote continuous improvement and innovation in policies and practices relating to the safety and wellbeing of children and young people generally, and in particular those who are vulnerable, including Aboriginal and Torres Strait Islander children and young people. As an independent statutory body, the Commission works to ensure that the rights of all children and young people in Victoria are recognised, respected and defended, including the right of children to be involved in decision making that is to be in their best interests.

The Commission has considered the proposed Regulations and RIS from the perspective of the need for a preventative approach to ensure the safety and wellbeing of children who are at greater risk of being marginalised and achieving poorer educational achievements and outcomes. The Commission is most concerned that vulnerable children do not 'slip through the cracks' and that every child has access to a meaningful education.

#### *School as a Safety Net*

School attendance is a safety net for the child, offering the opportunity for issues, such those related to wellbeing and safety, to be identified and acted upon. Student engagement and behaviour management policies need to be predicated on the basis that some students may have experienced significant trauma in their family of origin, been involved with Child Protection and placed in alternative care. Students from Aboriginal and Torres Strait Islander families are particularly vulnerable. To ensure the best interests of the child, when alternative education pathways, such as home schooling are chosen, regulation must allow for the child's best interests to be met.

#### *Student Engagement*

The Commission generally supports the proposed regulations requiring principals of government schools to develop and implement a student behaviour policy in consultation with the school community and the school council. There is some concern that this local approach to delineating expectations about student behaviour and consequences for inappropriate behaviour may lead to inconsistency between schools, but it is hoped that the proposed evaluation framework will reveal if this is an issue in practice. This evaluation framework will be critically important in understanding the effectiveness of student engagement policies and the number of student restraint incidents in schools. The Commission believes the improved data collection and work being done by the Principal Practice Leader (PPL) on incidents of dangerous behaviour and best practice approaches for dealing with students with challenging behaviours, including the use of restraint and seclusion, would benefit from being integrated with work being conducted in the youth justice and mental health areas.



## **Home Schooling**

In the Commission's original submission to the review of the *Education and Training Reform Regulations 2007*, concerns were raised in relation to home schooling. The Commission provided support for strengthening of the approval of registration, ongoing monitoring, assessment and visibility of children. The Commission found the presentation of *Table 3.2 Characteristics of home schooling across Australia*, to be very instructive in highlighting the comparatively 'light touch' registration regime currently operating in Victoria, and how this would continue to be the case with the proposed adoption of Option 2. The Commission strongly supports the move to a more active approach to regulating home schooling and believes the benefits of Option 3 outweigh the costs, with assurance of quality education and child safety and wellbeing being the priority, over concerns about reduced parent choice and higher levels of administrative and compliance burden. Practices in other states and territories, notably in New South Wales, show that a regime incorporating a curriculum-aligned learning plan and home visit assessments associated with registration is viable.

### *Learning Plans*

The requirement for parents to attest that they will provide regular and efficient instruction and provide a 'learning plan' at the application stage is welcomed as a first step. Parents should be required to specify basic items such as when and where instruction should take place and the subject matter that will be covered during instruction. Parents should also be able to articulate which educational materials and resources are proposed to be used in the instruction and how the child's learning outcomes will be recorded. Whilst this initial plan must be tailored to the circumstances and learning needs of the individual child, regular review of this plan would assist in ensuring that parents are considering their child's educational needs and how these will be met, and that their child's learning is appropriate to their age and circumstances. Reviews would provide an important opportunity for parents to demonstrate that they are adapting their instructional approach and continuing to meet registration requirements. The Commission does not believe that this would be onerous for parents who have given careful consideration to how they will implement home schooling for their child, and so should not be deemed a compliance burden for them.

### *Registration*

Parents should be able to specify the instructional method, or combination of methods they plan to use, and be required to show how this will align with the Victorian curriculum. Registration renewal should be required annually, with a home visit undertaken to assess student learning progress, with the option of additional assessment visits in the event of changed circumstances or in association with specialist interventions. The administrative burden on the Victorian Registration and Qualifications Authority (VRQA) in terms of requiring greater resources to assess learning plans, undertake home visits and review learning progress is quite minimal when compared to the administrative costs associated with children attending schools. These steps are necessary to ensure that children being home schooled are accessing a quality educational experience that will enable them to achieve educational outcomes equivalent to their peers attending schools, and have equal opportunity to participate in further education, training and employment.

### *Data collection*

The Commission is supportive of improvements in the data collection relating to home schooling by the VRQA. The current baseline measures relating to the number of home schooling applications per year, notifications of continuance/cessation of home schooling per year and complaints relating to home schooling are very basic, and don't allow the opportunity to evaluate the quality of instruction and educational outcomes. The proposed collection of additional data in relation to the number of applications requiring follow-up and further information, applications refused and the reason for refusal, registrations cancelled and the reason for cancellation, and measures of the quality of instruction and student progress are therefore welcomed. Data on the number of VRQA decisions on registration that result in a request for internal review and VCAT proceedings against the VRQA will also

be helpful. The Commission is of the view that other information proposed to be sought via voluntary surveys of home schooling families, should instead be included as part of the mandatory requirements of the registration process. It is critically important that the VRQA understands the reasons why a family chooses to home school, the approach to be used and the highest educational attainment level of the parent applying to home school.

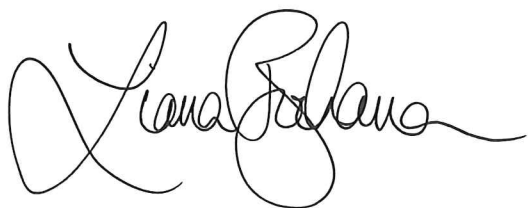
#### *Home Visits*

The Commission remains concerned that under the proposed regulations, insufficient information is sought regarding the nature and context of the child's educational environment. The home schooling parent should be required to provide a contact phone number and email address, and advise of any change in a timely manner, as part of the registration process. Whilst the details of the State Register for home schooling should not be made public, there should be the facility for this information to be shared with Child Protection, Department of Health and Human Services (DHHS) in a situation of concerns being held for the child's safety and wellbeing. It is critically important that a home visit is conducted at the point of initial registration for home schooling, at any time when there is a major change in circumstances, and annually at the point of renewal of registration. The assessor undertaking this home visit should ensure that the environment has the facilities suitable for conducting the proposed educational program, the parent has the capacity to provide educational instruction and there are not safety and wellbeing concerns that would impede this.

The lack of visibility of home-schooled children compared to those in the school system is quite concerning from a child safety perspective. Mandatory reporting obligations which enable monitoring of child safety are applicable to schools, but do not operate in the same way for home schooling. The Commission has seen instances where vulnerable children have died having been home schooled and raised in families that were very socially isolated, had limited contact with anyone external to the immediate family, and exhibited chronic neglect and/or the child's disability which had not been addressed. In a context in which we are strengthening child safe approaches for children attending school, the omission of safeguards for those being home schooled is a risk.

Whilst the Commission is generally supportive of the proposed Regulations, concerns remain in relation to the lack of strong regulatory oversight of home schooling. To discuss the material in this submission in further detail, please contact Ms Brenda Boland, Chief Executive Officer, on (03) 8601 5255 or at [brenda.boland@ccyp.vic.gov.au](mailto:brenda.boland@ccyp.vic.gov.au).

Yours sincerely



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**Principal Commissioner**



Andrew Jackomos PSM  
**Commissioner for Aboriginal Children and  
Young People**

