

REGISTRATION FOR HOME SCHOOLING

AUTHORISED PERSONS HANDBOOK

February 2019

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Purpose of this handbook

The purpose of the *Authorised Persons Handbook* ('the AP Handbook') is to:

- describe the role and responsibilities of Authorised Persons
- provide an overview of the home schooling registration process as it relates to the role of Authorised Persons
- guide Authorised Persons in conducting assessments of applications for registration for home schooling.

Audience

The intended audience of the AP Handbook is those persons responsible for making recommendations to the NSW Educational Standards Authority ('NESA') with regard to home schooling registration. This includes Inspectors as well as Authorised Persons and Senior Registration Officers delegated by NESA's Chief Executive Officer or delegate for the purpose of making recommendations in relation to home schooling registration.

Legislative basis for registration for home schooling

Under the *Education Act 1990* ('the Act'), home schooling is recognised as a legitimate way of providing for the educational needs of children in NSW.

Part 7 of the Act makes provisions for home schooling.

A parent who decides to home school his or her child must have the approval of the Minister for Education or the Minister's delegate. Approval to home school is by registration.

NESA is responsible for administering the home schooling registration program.

The NESA Chief Executive Officer, Executive Director, Corporate Governance and School Standards and the Director, School Registration and Accreditation have been delegated the authority to register children for home schooling.

NESA's *Guidelines for Home Schooling Registration in NSW* ('the Guidelines') detail the requirements for registration and the application process. The Guidelines are published on the NESA website <www.educationstandards.nsw.edu.au>.

The Guidelines are the primary source of information about home schooling registration. The AP Handbook is to be read in conjunction with the Guidelines.

Roles and responsibilities

The role of NESAs

NESA's School Registration and Accreditation Standards Directorate ('the Directorate') administers NESA's home schooling registration program.

The Home Schooling Unit within the Directorate has particular responsibilities related to the administration necessary for implementing the home schooling registration program.

NESA allocates applications for home schooling registration to Authorised Persons for assessment and sets the procedures to be followed by Authorised Persons in undertaking assessments.

The role of Authorised Persons

Under the Act, an Authorised Person in relation to a provision of the Act, means a person who is authorised by the Minister for Education (or the Minister's delegate) for the purposes of that provision.

With regard to the provisions of the Act for home schooling, an Authorised Person is authorised to make recommendations regarding registration for home schooling.

Under the provisions of the Act for home schooling registration, an Authorised Person includes any Inspector from NESA. NESA has also appointed identified staff from within the Directorate to be Authorised Persons. Other Authorised Persons are employed by NESA, on a contractual basis, in metropolitan and regional locations across New South Wales.

NESA's Authorised Persons are responsible for assessing applications for home schooling registration and for making recommendations to NESA in relation to home schooling registration.

Authorised Persons must, as a condition of employment, know and implement the Code of Ethics and Conduct for NESA Employees. A copy of the Code of Ethics and Conduct for NESA Employees is provided to each newly appointed Authorised Person. A further copy is provided to each Authorised Person on an annual basis and as the Code is updated.

The registration process

Overview of the home schooling registration process

The home schooling registration process involves the following key steps:

- application is received by NESA
- NESA allocates the application to an Authorised Person
- the Authorised Person assesses the application
- the Authorised Person provides a report to NESA with a recommendation relating to home schooling registration

- if registration is approved, NESAs issues a certificate of registration to the applicant
- if a recommendation is made to refuse registration, the applicant is advised and may seek an internal review
- if an internal review affirms a recommendation to refuse, the applicant is advised and may appeal to the NSW Civil and Administrative Tribunal ('NCAT').

These steps are described in the Guidelines.

This section of the AP Handbook outlines the roles of NESAs and Authorised Persons as relevant to each step in the registration process.

Receipt and allocation of applications – NESAs

An applicant may apply for initial registration or renewal of registration at any time.

On receipt of an application for either initial or renewal of registration, NESAs enters details of the application into NESAs's database.

Applications are then allocated by NESAs to an Authorised Person for assessment. Typically, applications are allocated to Authorised Persons on a weekly basis.

Allocations are made to Authorised Persons by NESAs's online system. Authorised Persons can access:

- a copy of each allocated application
- family history of registration, where applicable, for each application
- other information/supporting documentation where relevant (this may include an Authorised Person's report for a previous application, if relevant, and/or supporting information provided by the applicant).

In some cases it may also be relevant for a senior officer from the Directorate to contact an Authorised Person to provide additional information relevant to the Authorised Person's allocations.

Receipt of applications – the Authorised Person

Applicants are advised in the Guidelines that it may take up to three months to finalise the assessment of an application for registration, from the time of submitting the application to the time of receiving a certificate of registration. Within this time frame, NESAs provides a maximum period of 35 days for an Authorised Person to assess an allocated application and provide a report to NESAs. This number of days may be extended if the circumstances warrant an extension and if approved by a senior officer of the Directorate.

On receipt of the allocated applications, the Authorised Person reviews the applications and notifies the Directorate if anomalies are identified or more information is required.

For each application, the Authorised Person:

- makes contact with the applicant to set a date for the assessment to be conducted by home visit
- conducts a home visit to assess the application

- prepares a report making recommendations relating to home schooling registration
- submits the report to NESA.

Each of these steps is discussed in the following section of the AP Handbook.

Assessment of applications

Initial contact

The initial contact from the Authorised Person to the applicant is critical to the assessment process. The Authorised Person must identify clearly:

- his or her name and role
- the process for assessing the application by home visit
- the evidence of compliance the applicant is required to provide at the time of the assessment to demonstrate that the requirements for registration are being, and/or will be, met
- that the child or children to be registered are expected to be present during the assessment by home visit.

During the initial contact, and prior to undertaking the assessment, it is important for the Authorised Person to check the 'readiness' of the applicant by asking whether the applicant has read the Guidelines and whether the applicant has prepared an educational program for his or her child based on NESA's syllabuses. For applicants seeking renewal of registration, the Authorised Person must also check that the applicant will have evidence of the delivery of the current educational program ready for the assessment by home visit.

If a parent identifies that the child to be registered will not be present at the home visit, the Authorised Person is to seek an explanation and then advise a senior officer from the Directorate. The Senior Inspector or Director will determine the assessment process to be followed as relevant to the particular circumstances.

Apart from exceptional circumstances and with the approval of a senior officer from the Directorate, the delay between being allocated an application and assessing the application should not be longer than three weeks. This time frame provides adequate time for the entire assessment process to be finalised within 42 days for the majority of applications.

If an Authorised Person experiences problems in contacting an applicant or in arranging a time to assess the application within three weeks of being allocated the application, the Authorised Person should discuss this issue with a Senior Registration Officer or Inspector from the Directorate. In these circumstances, NESA may proceed to refuse the application if the application is not withdrawn by the applicant.

NESA has a process for tracking the timeliness of the registration process. An officer from the Directorate will contact an Authorised Person if a report for an allocated application has not been received within the expected timeline.

Assessment by home visit

Applications for home schooling registration are assessed by home visit.

The requirements for home schooling registration are detailed in the Guidelines. The Authorised Person, in making an assessment, must have regard to evidence relating to each of these requirements. The Authorised Person must also consider the capacity of the applicant to plan and provide for the educational needs of his or her child, as reflected by the range of evidence available.

In relation to the identified learning needs of the child, the Authorised Person may also consider any information available in relation to the child's educational history, previous school reports, participation in external testing programs such as NAPLAN and/or reports from external professionals such as a speech therapist or a psychologist.

For applications for initial registration, the purpose of the assessment is for the Authorised Person to determine whether, based on the evidence available, the applicant has demonstrated that the requirements for registration would be complied with if registration was granted.

For applications for renewal of registration, the purpose of the assessment is for the Authorised Person to determine whether, based on the evidence available, the applicant has demonstrated current compliance with the requirements for registration and that the requirements for registration would be complied with if renewal of registration was granted.

Registration for home schooling requires that the educational program be delivered in the registered child's home. In assessing an application for home schooling registration, an Authorised Person must be satisfied that the education of the child, as required for registration, including for all key learning areas, will occur primarily in the home. The home schooling program may be supplemented by extracurricular activities, participation in tutorial groups and/or excursion-type activities.

During the assessment, the Authorised Person must sight the child for whom registration is sought. If the child is not present during the assessment, the Authorised Person must contact the Home Schooling Unit and speak to the Senior Inspector or Director.

If NESAs determine that exceptional circumstances warrant an application to be assessed by documentation, the Authorised Person will be advised accordingly.

Work Health and Safety

Assessments for home schooling registration by home visit must be conducted during normal business hours and on weekdays. If an applicant requests a time outside these hours and days, the Authorised Person may seek written approval from an Inspector from the Directorate. Approval may be granted depending on the circumstances.

Under NESAs' Work Health and Safety Policy, Authorised Persons are required to take reasonable care of their own health and safety and the health and safety of others in the workplace and to observe directions on health and safety from designated officers from NESAs. A copy of NESAs' Work Health and Safety Policy is provided to each newly appointed Authorised Person. A further copy is provided to each Authorised Person on an annual basis and as the policy is updated.

Further information in relation to Work Health and Safety is attached (**Appendix A**).

Conduct

At all times, the Authorised Person's conduct must be professional and in accordance with the Code of Ethics and Conduct for NESAs Employees.

The Authorised Person's role in assessing an application for registration is not a mentoring or consultative role. It must be clear to the applicant that the role and purpose of the home visit is to assess the application based on the evidence provided by the applicant. Within the context of this purpose, the Authorised Person may, at times, provide information to the applicant in relation to NESAs educational support materials and other helpful advice.

Child protection

Prior to being employed by NESAs, each Authorised Person is required to provide evidence of Working with Children Check clearance under the *Child Protection (Working with Children) Act 2012*. Information about the Working with Children Check is available on the [NSW Office of the Children's Guardian website](http://www.kidsguardian.nsw.gov.au) (www.kidsguardian.nsw.gov.au).

Authorised Persons are considered to be 'mandatory reporters' under the *Children and Young Person's (Care and Protection) Act 1998 (NSW)*. Mandatory reporters have a legislated obligation to report if they have reasonable grounds to suspect that a child is at risk of significant harm to Family and Community Services (FACs) on telephone number 133 627 or 132 111. FACs has developed a *Mandatory Reporter Guide* to help mandatory reporters decide whether a concern meets the statutory threshold for reporting risk of significant harm. Information about mandatory reporting of the risk of significant harm and the *Mandatory Reporter Guide* are available on [the FACs' website](http://www.community.nsw.gov.au) (www.community.nsw.gov.au).

Authorised Persons are asked to advise the Senior Inspector or Director, if a report of a risk of significant harm is made to FACs as a result of the Authorised Person's work related to the home schooling program. If an 'eReport' has been made, the Authorised Person is asked to forward a copy of the report, the receipt, reference number and reporter feedback response to the Home Schooling Unit.

Home visits are only to be conducted by an Authorised Person when allocated an application to assess or if directed by NESAs for a purpose associated with home schooling registration.

Conflict of interest

If an Authorised Person is allocated an application to assess and the Authorised Person is aware of a real, potential or perceived conflict of interest, the Authorised Person has an obligation to disclose the conflict of interest to the Senior Inspector or Director immediately. The application will be re-allocated or, depending on the specific circumstances, other measures will be put in place to manage the potential for a conflict of interest.

Home visit – feedback to the applicant

Towards the end of an assessment by home visit, the Authorised Person typically informs the applicant of the recommendation to be made in relation to home schooling registration. The Authorised Person must be clear that his or her recommendation is a recommendation and not

a decision. The NESAs delegate is responsible for deciding whether to grant registration or not.

At times, an Authorised Person may need to gather further information or to discuss a proposed recommendation with an officer from the Directorate, prior to finalising a recommendation. In these circumstances, the Authorised Person is asked to inform the applicant of the recommendation being considered and that the applicant will be advised subsequently of the recommendation to be made.

If the Authorised Person has identified concern that the applicant may not be complying with the requirements for registration and/or that the applicant has not demonstrated a capacity to comply with the requirements for registration, the Authorised Person must identify the areas of concern to the applicant. A concern or concerns must be relevant to the applicant's compliance or capacity to comply with the requirements for registration. Matters unrelated to the requirements for registration are not to be considered as part of the process of assessment.

Withdrawal of an application

An applicant may withdraw his or her application at any stage before a decision relating to the application has been made by NESAs.

The withdrawal of an application for registration must be made in writing to NESAs by email or mail.

The Authorised Person's report and recommendations

Authorised Person's reports

NESAs provides report templates for Authorised Persons. Reports are to be submitted using the template provided by NESAs.

The Authorised Person's report states the findings of the Authorised Person in relation to the evidence that has been sighted during the assessment process. Based on this evidence, the report states the recommendation of the Authorised Person.

The Authorised Person's report identifies his or her findings in relation to the evidence produced by the applicant to demonstrate that the requirements are being met and/or that the requirements would be met if registration was granted.

The report requires that the Authorised Person record an overview of the evidence considered during the assessment. The report also requires that the Authorised Person comment on the applicant's demonstrated compliance and/or areas for improvement. Comments on a report must be reviewed by the Authorised Person to ensure that the comments are clear, professional, free of bias and emotional language, and relevant to compliance with the requirements.

The Authorised Person is required to have a process for checking the accuracy of details on

the report such as the name, address, date of home visit, dates for a recommended period of registration and Years of schooling. All reports must be checked by the Authorised Person prior to submitting them to NESAs.

The Authorised Person's findings and recommendations

The Authorised Person's findings in relation to the available evidence of compliance with the requirements determines the recommendation to be made.

The findings and recommendations of the Authorised Person will be considered by NESAs in deciding whether or not to grant registration and, if so, the period for which registration is granted.

Guidelines for the Authorised Person to consider in making a recommendation relating to home schooling registration are attached (**Appendix B**).

Recommendation to register

Where an applicant for initial registration has satisfied the Authorised Person that a capacity to meet the requirements for registration has been demonstrated, the Authorised Person may recommend a period of initial registration.

Generally, initial registration is for a period that is less than the maximum of up to two years. The reason for this is that whilst most aspects of the requirements can be demonstrably met prior to an initial period of registration, others can only be prospectively addressed. For example, while prior evidence can be obtained relating to the requirement that the educational program *will be* based on the relevant NESAs syllabuses, evidence that the educational program *is being* taught in accordance with NESAs syllabuses can only be made available subsequently when the program *is being* taught. For this reason, initial registration is generally for a period of less than the maximum possible. Evidence of the program *being taught* in accordance with the requirements can be reviewed prior to any longer periods of registration being considered if the applicant seeks renewal of registration.

Applicants for initial registration with a history of successive periods of home schooling registration for another child, each for the maximum period of two years, may be recommended for a period of initial registration of up to two years. In these circumstances, the applicant must have demonstrated that the educational program being delivered to the other child *is being* taught in accordance with the requirements over a sustained period.

Where an applicant for renewal of registration has satisfied the Authorised Person that current compliance with the requirements has been demonstrated and that a capacity to meet the requirements for registration for a further period has been demonstrated, the Authorised Person may recommend a period of registration of up to two years.

At times an Authorised Person may be satisfied that the applicant is complying, or has demonstrated a capacity to comply, but there are identified areas for improvement in relation to compliance with the requirements for registration. In these circumstances, the Authorised Person may recommend registration for a period less than the maximum period. The specific areas for improvement must be communicated to the applicant during the visit and noted in the

Authorised Person's report.

If an Authorised Person is considering a recommendation of three months or less for an initial period of registration or six months or less for a renewed period of registration, the Authorised Person must discuss the recommendation with a Senior Registration Officer or Inspector prior to finalising the report.

Recommendation – Years of schooling

A certificate of registration for home schooling will specify a Year or Years of schooling for primary education (Kindergarten to Year 6), secondary education (Year 7 to Year 10) or for senior secondary education (Year 11 and Year 12).

Registration for Years 11 and 12 requires the applicant to provide an educational program that complies with the pattern of study requirements for the Higher School Certificate, that is:

- (a) courses of study of a general description determined by the Minister on the recommendation of NESAs are to be provided for each student in each Year
- (b) those courses of study are to include a course of study in English
- (c) those courses of study are to comply with a pattern of study determined by the Minister on the recommendation of NESAs.
- (d) those courses of study are to be taught in accordance with a syllabus developed or endorsed by NESAs and approved by the Minister.

A pattern of study may include (but is not limited to) the number of courses to be studied, the sequence in which particular courses are to be taught and the number of units of study that a course is to contain. More information regarding the pattern of study requirements is contained in the Guidelines and NESAs's Assessment Certification Examination ('ACE') website. Also of consideration with regard to an application for home schooling registration for Years 11 and 12, is the period of time for schooling before the program is intended to be completed.

Recommendation to refuse registration

If an Authorised Person forms the opinion that an applicant for initial registration has not demonstrated a capacity to comply with the requirements for registration, a recommendation to refuse registration must be made.

If the Authorised Person forms the opinion that an applicant for renewal of registration has not demonstrated current compliance with the requirements for registration and/or a capacity to comply with the requirements for a future period of registration, a recommendation to refuse registration must be made. The applicant's capacity to plan and provide for the educational needs of his or her child as evidenced by the current educational program and whether the current program has been delivered must also be considered.

If an Authorised Person makes a recommendation that an application be refused, the Authorised Person's report must state the reasons for making the recommendation to refuse, as relevant to the requirements for registration. The Authorised Person is required to review his or her comments to ensure that they accurately and clearly state the Authorised Person's findings in relation to non-compliance with the requirements for registration. Matters unrelated to the requirements for registration are not to be considered as part of the assessment process or as a reason for recommending that registration be refused.

An application for registration may also be refused if the applicant cannot be contacted or is not available for an Authorised Person to assess the application by home visit within NESAs's

timeline.

If a recommendation to refuse registration is made, the applicant is advised by NESAs of the right to seek an internal review of the recommendation. This process is described in the Guidelines.

Submission of the Authorised Person's report

When an Authorised Person's report has been finalised, the Authorised Person submits the report to NESAs.

The report is submitted by NESAs's online facility or by email to the Home Schooling Unit.

If relevant, Authorised Persons are also required to submit to the Home Schooling Unit any file notes or records associated with the assessment. NESAs must abide by the *State Records Act 1998* and is required to maintain full and accurate records of the business activities of NESAs.

On receipt of a report from an Authorised Person, NESAs enters the details including the recommendation, into the home schooling database.

NESAs will contact the Authorised Person if clarification of a report is required. At times, clarification is required in relation to inconsistent information contained within different parts of a report, unclear comments and/or errors in fact such as the date of birth or address of the child. Authorised Persons must have and implement a process for checking each report before it is submitted.

Where a report recommends registration, NESAs prepares a submission for NESAs's delegate and, if registration is approved, a certificate of registration is issued.

Where a report recommends that registration be refused, NESAs commences a process to advise the applicant in writing of the recommendation and of the right to an internal review. This process is described in Guidelines.

Other home schooling processes

Site visit

Home schooling registration is conditional on the registered child undertaking the home schooling educational program at the home address specified on his or her certificate of registration.

If a registered child moves to a new home address, NESAs must be notified.

On receipt of a notification that a registered child has moved home address, NESAs arranges for a visit to the new home address. The purpose of the visit is to confirm the suitability of the new home address for home schooling registration. If relevant, the Authorised Person will also have regard to evidence relating to compliance with other requirements.

If the new home is found to be suitable, a new certificate of registration identifying the new home address will be issued for the remaining portion of the current period of registration.

If an Authorised Person is requested to undertake an assessment of a new home address, the Authorised Person will:

- contact the parent to make arrangements for the visit
- undertake the home visit to assess the suitability of the learning environment
- expect that the child or children who are registered are present during the home visit
- prepare a report and recommendation
- submit the report to NESAs.

On receipt of the report, NESAs finalises the process and, if approved, issues a new certificate of registration.

Certificate of completion of Year 10

An applicant may apply for a certificate of completion of Year 10 for his or her child.

The Guidelines explain the certificate and the eligibility requirements.

If allocated an application for a certificate of completion of Year 10, the Authorised Person will:

- contact the parent to make arrangements for assessing the application
- undertake the assessment
- expect that the child to be assessed is present during the assessment by home visit
- prepare a report and recommendation
- submit the report to NESAs.

On receipt of the report, NESAs finalises the process and, if approved, a certificate of completion of Year 10 is issued.

Registration for Years 11 and 12

For applicants seeking home schooling registration for Years 11 and 12, the requirements for registration are the same as for other Years of schooling with additional requirements related to the curriculum and the pattern of study.

The Guidelines describes the curriculum requirements.

Authorised Persons must review the pattern of study proposed by an applicant and contact a Senior Registration Officer from the Directorate if the Authorised Person has any questions about whether or not the proposed pattern of study meets the requirements.

The child to be registered is expected to be present during the assessment by home visit.

Internal review

An applicant may seek an internal review of a recommendation to refuse registration or to cancel registration.

If an internal review is requested, the internal review is conducted by a different Authorised Person from the Authorised Person who made the original recommendation.

If allocated an internal review, NESAs will provide the Authorised Person with a copy of the applicant's application, the original Authorised Person's report and recommendations stating the reasons why refusal or cancellation of registration was recommended and any additional information provided by the applicant.

An Inspector or Senior Registration Officer from the Directorate will provide specific advice to the Authorised Person about the process, timeline and reporting requirements for undertaking the internal review.

Following the internal review assessment and report, NESAs finalise the process and advise the applicant in writing of the outcome of the internal review.

Recommendation for monitoring

From time to time NESAs may monitor a parent's compliance with the requirements for registration. If a monitoring visit is allocated to an Authorised Person, NESAs will provide specific information to the Authorised Person as relevant to the reason for the monitoring and the process to be implemented.

Administration

Travel

Authorised Persons are required to use their own vehicle for home schooling assessment visits.

Authorised Persons are required to complete a *Use of Private Motor Vehicle* form to outline details of the vehicle to be used for home schooling visits and provide a copy of current registration and comprehensive insurance for the vehicle. The completed form with the relevant attachments is to be forwarded to the Senior Administrative Officer at the Home Schooling Unit as details of the vehicle change; that is, when registration and insurance details are changed, or if a different vehicle is to be used.

Payments for Authorised Persons in metropolitan and regional NSW

Payments to Authorised Persons are made in relation to each application assessed.

Details of the payment process are provided to each Authorised Person on employment and when rates of payment are changed.

Authorised Persons are required to submit an invoice for the applications that the Authorised Person has assessed and the distance travelled.

Invoices should be emailed to the Home Schooling Unit, generally at the same time as the reports are submitted. Invoices received by Friday (midday) will be processed for that fortnightly pay period. For advice about the dates of pay periods, please contact an administrative officer from the Directorate.

Payment from NESAs to Authorised Persons is on a fortnightly basis, subject to NESAs receipt of invoices.

Additional payments are made on the following basis:

- a one-off grant upon initial appointment to assist with the setup of technology in the home
- a twice-yearly grant for postage, telephone calls, fax costs and electronic communication associated with the Authorised Persons work.

Any enquiries regarding payments should be directed to the Directorate's Senior Administrative Officer.

Overnight accommodation

At times, an Authorised Person may require overnight accommodation in order to assess an application for home schooling registration.

Where required, an Authorised Person requests approval for overnight accommodation in writing. Requests should be emailed to the Home Schooling Unit. A request for overnight accommodation should include the destination(s) to be visited, the distance to be travelled, the average journey time and the number of applications to be assessed.

NESA will respond to all requests for approval of overnight accommodation in writing.

If approved, the Authorised Person makes the necessary accommodation arrangements.

For approved requests, the Authorised Person may claim the actual cost of accommodation and meals based on receipts up to a maximum rate. For details of the maximum rates and the process for making a claim, please contact the Senior Administrative Officer of the Directorate.

Authorised Persons briefings

At varying times during the year, NESAs may convene a meeting of Authorised Persons (usually two to three times a year) to provide relevant information, advice and professional learning. These meetings also provide an opportunity for Authorised Persons to raise issues and share ideas and experiences.

In planning a briefing session for Authorised Persons, NESAs identify particular items for inclusion on the agenda including input from home schooling parents. Authorised Persons are also invited to suggest, and present, agenda items for inclusion.

NESA notifies Authorised Persons of briefing session dates early each year.

Authorised Persons are entitled to claim payment for attendance at NESAs briefings and reimbursement of the cost of travelling to the briefings. Claims for transport and travel costs must be accompanied by receipts, tickets or other forms of proof of purchase.

Where required, the Home Schooling Unit will organise flights and accommodation in advance of a briefing and in consultation with the Authorised Person.

Authorised Persons updates

NESA provides regular updates via email as necessary to keep Authorised Persons up to date on recent developments and to provide information relevant to the work of Authorised Persons.

Authorised Persons are encouraged to bring to the attention of NESA any matters requiring clarification or topics that could be considered for inclusion in an Authorised Person update.

General communication

Authorised Persons are asked to contact a Senior Officer from the Directorate if an issue, a concern or an unexpected event arises in relation to home schooling registration and the work of the Authorised Person.

Authorised Persons are also asked to refer any applicant or person with general enquiries or questions about home schooling registration to the Directorate.

Complaints

From time to time, issues or circumstances may arise in the home schooling program that may lead to a person and/or an organisation with a legitimate interest in the issue to lodge a complaint.

Complaints can be made to NESA at any time. An individual or organisation may contact NESA for advice on how to raise an issue or proceed with a complaint. Complaints must be made in writing and include details of:

- the name, address and contact details of the individual(s) or organisation making the complaint
- the individual(s) against whom the complaint is being made
- how the complaint relates to the requirements for registration for home schooling as detailed in the Guidelines
- the substance and basis of the complaint, a description of the issue or matter to which the complaint relates
- an account of any action already taken in relation to the complaint, if relevant.

Complaints should be directed to the Director, School Registration and Accreditation Standards.

NESA will deal with complaints relating to home schooling registration according to the relevant policies of NESA.

Availability of Authorised Persons

The Directorate allocates applications to Authorised Persons for assessment on a continual basis, as applications are received.

If an Authorised Person will be unavailable for conducting assessments by home visits for a period of two weeks or longer, the Authorised Person must contact the Directorate as soon as possible. NESA will determine whether it is necessary to allocate and/or re-allocate

applications to an alternate Authorised Person for the period during which the Authorised Person will be unavailable.

Appendix A: Work Health and Safety: risk management

Under Work Health and Safety legislation, NESAs as the person conducting a business or undertaking (the PCBU) has an obligation to ensure the health, welfare and safety of all workers.

Work Health and Safety covers the concept of the health, safety and welfare of all persons who may be impacted by work activities.

- **Health** means physical and psychological health
- **Safety** requires the elimination or minimisation of hazards in the workplace that have the potential to cause harm
- **Welfare** includes the provision of facilities, protective clothing or equipment.

As the PCBU, NESAs are required to meet the primary duty of care including the provision of:

- safe work environments
- safe systems of work
- facilities
- information, instruction, training and supervision
- monitoring of workers' health and workplace conditions.

Authorised Persons, as workers, are required to:

- take reasonable care for their own health and safety
- take reasonable care to ensure acts/omissions do not adversely affect the health and safety of others
- comply with reasonable instructions from the PCBU
- cooperate with the policy or procedures of the PCBU.

The identification of risks or hazards, and the minimisation or elimination of any such risks or hazards is a responsibility of both NESAs and the Authorised Person. Such action is taken in the context of what might be considered to be 'reasonably practical'.

Routine strategies for identifying risk include the following:

- Where there is a known history of any particular concerns with a family, NESAs will provide the Authorised Person with background information as appropriate and permitted given privacy considerations.
- In planning the home schooling visit with the applicant, the Authorised Person should clarify any site-specific matters that may be relevant, for example the location of the home, access to the home, animals, mobile phone coverage, etc.

Routine risk management strategies include the following:

- NESAs may recommend that the Authorised Person take another person with them to conduct the visit, for example an officer from the Directorate.
- Where the Authorised Person is concerned about a visit for any reason, the Authorised Person may request that an officer from the Directorate accompany them on the visit.

Authorised Persons are encouraged to communicate any matters related to risk assessment

of home visits to the Home Schooling Unit and to exercise due diligence in relation to common sense matters such as road and motor vehicle safety.

Appendix B: Guidelines for recommendations of periods of registration

Recommendations for registration are based on an Authorised Person's assessment of the evidence of compliance presented by the applicant in relation to the requirements for registration.

The following information provides a general guide for Authorised Persons to consider in discerning whether registration is recommended and, if so, the length of the period for which registration is recommended.

Separate information is provided in relation to the assessment of applications for initial registration and applications for renewal of registration with the following tables providing an overview of how the assessment of an Authorised Person aligns with varying recommendations.

The process of making a recommendation in relation to an application for registration relies on the professional discernment and balanced judgement of an Authorised Person. These Guidelines are intended to assist that process. The Guidelines do not replace the specific matters considered by an Authorised Person in forming a recommendation in any given circumstance. During the decision-making process, Authorised Persons may wish to discuss the recommendation being considered with an Inspector or Senior Registration Officer from the Directorate.

Authorised Persons are asked to contact a senior officer from the Directorate to discuss cases where the recommendation for initial registration is for three months or less, the recommendation for renewal of registration is for six months or less or where refusal of registration is recommended.

Initial registration

Please see Table 1 provided later in these Guidelines in relation to recommendations for initial registration.

The assessment of an application for an initial period of home schooling registration is based on determining whether the information provided by the applicant demonstrates evidence of a capacity to comply with the requirements for registration should registration be granted.

While most aspects of the requirements can be demonstrably met prior to an initial period of registration, others can only be prospectively addressed. For example, while prior evidence can be obtained relating to the requirement that the educational *will be* based on the relevant NESA syllabuses, evidence that the educational program *is being* taught in accordance with NESA's syllabuses can only be made available subsequently when the program is being taught. For this reason, initial registration is generally for a period of less than the maximum two-year period of registration permitted by the *Education Act 1990* ('the Act') so that evidence of the program being taught in accordance with the requirements can be reviewed prior to any longer periods of registration being considered.

An applicant seeking initial registration of a child, who has other registered children, may present evidence that the educational program being delivered to the other children is being delivered in accordance with NESAs syllabuses. Such evidence may be relevant in determining the period of initial registration to be recommended.

Renewal of registration

Please see Table 2 provided later in these Guidelines in relation to recommendations for renewal of registration.

The assessment of an application for renewal of registration considers whether the applicant for renewal of registration provides documentary evidence that the current educational program complies with the requirements for registration as well as evidence that the educational program proposed for the renewed period of registration demonstrates a capacity to comply with the requirements.

The Authorised Person's assessment of whether the applicant demonstrates a capacity to plan and provide for the educational needs of his or her child is also relevant to the Authorised Person's consideration of whether the applicant demonstrates a capacity to comply with the requirements in any further period of registration.

When assessing an application for renewal of registration, the Authorised Person also considers whether the previous assessment identified areas for improvement and whether the improvements have been made. A failure to make the identified improvements may be of concern in relation to an applicant's capacity to plan and provide for the educational needs of the child.

Registration for less than the maximum period of two years may be recommended for one or more of the following reasons:

- to align the period of registration with sibling(s)
- the time required for the child to complete the planned program
- areas of compliance to be improved have been identified and need to be addressed.

Table 1: INITIAL REGISTRATION

Assessment – application for initial registration	Period of registration for consideration
The applicant:	
<ul style="list-style-type: none"> demonstrates compliance with the requirements for registration in the delivery of an educational program for another child who has been registered for successive periods of registration, each for the maximum period of registration demonstrates a capacity to comply with all requirements for registration demonstrates a level of planning to sustain a period of up to two years registration 	Up to two years when evidence demonstrates the delivery of a compliant educational program for another child for successive periods of registration for the maximum period possible
<ul style="list-style-type: none"> demonstrates a capacity to comply with all requirements for registration demonstrates a level of planning to sustain a one-year period of registration 	One year
<ul style="list-style-type: none"> demonstrates a capacity to comply with all requirements with some areas for improvement demonstrates planning to sustain a period of registration 	Six months
<ul style="list-style-type: none"> demonstrates a capacity to comply with all requirements with many areas for improvement demonstrates limited planning to sustain a period of registration 	Three months (minimum)
<ul style="list-style-type: none"> fails to demonstrate a capacity to comply with one or more requirement 	Refusal

Table 2: RENEWAL OF REGISTRATION

Assessment – application for renewal of registration	Period of registration for consideration
The applicant:	
<ul style="list-style-type: none"> • demonstrates compliance with all requirements during the current period of registration • demonstrates a capacity to plan and provide for the educational needs of the child during the current period • demonstrates a capacity to comply with all requirements • demonstrates a level of planning to sustain a period of up to two years of registration 	Up to two years
<ul style="list-style-type: none"> • demonstrates compliance with all requirements during the current period with some areas for improvement • demonstrates a capacity to plan and provide for the educational needs of the child during the current period • demonstrates a capacity to comply with all requirements • demonstrates a capacity to address the areas for improvement • demonstrates planning to sustain a one-year period of registration 	One year
<ul style="list-style-type: none"> • demonstrates compliance with all requirements during the current period with many areas for improvement • demonstrates a capacity to plan and provide for the educational needs of the child during the current period • demonstrates a capacity to comply with all requirements with many areas for improvement • demonstrates a capacity to address the areas for improvement • demonstrates limited planning to sustain a period of registration 	Three to six months
<ul style="list-style-type: none"> • fails to demonstrate compliance with one or more requirements during the current period of registration • fails to address previously identified areas for improvement in relation to the requirements • fails to demonstrate a capacity to comply with one or more requirements 	Refusal