

**HOME EDUCATION ADVISORY PANELS**

**GUIDELINES**

**Background**

Where the progress of a child receiving instruction from a home educator is not satisfactory or where the home educator does not meet registration requirements, the registration as a home educator may be cancelled by the Director General. If the Director General decides to cancel a home educator’s registration, the home educator will be notified of this decision in writing and, at the same time, will be advised of the right to request a review of that decision within 14 days of receiving written notification of the decision. If the home educator requests such a review, it will be conducted by a Home Education Advisory Panel as required under s54 of the *School Education Act 1999*.

**Establishing a Home Education Advisory Panel**

A Home Education Advisory Panel is established whenever a home educator submits a written request to the Minister for Education for a review of a decision by the Director General to cancel the home educator’s registration. A Home Education Advisory Panel makes recommendations to the Minister for Education to confirm, vary or reverse the Director General’s decision.

The Panel meeting should be:

* held as close as practicable to the usual place in which the home education program is delivered; and
* convened to provide a fair and transparent avenue of appeal.

**Membership**

Membership is comprised of a small and impartial group who:

* have the skills and understandings that enable them to offer quality, impartial advice to the Minister for Education about the case to be reviewed; and
* collectively represent a balance of community and departmental perspectives.

People asked to sit on these Panels are deemed by the Deputy Director General, Schools to have the attributes necessary to perform this important advisory role.

**What happens when the Director General decides to cancel a home education registration?**

STAGE 1

The Director General gives written notification to a home educator of the decision to cancel the home educator’s registration. Included in this notification are the reasons for this decision and information about the home educator’s right to request a review of the decision.

STAGE 2

Unless the home educator applies in writing to the Minister for Education for a review of the cancellation within 14 days of him or her receiving written notification of the Director General’s decision, the decision (above) stands and the cancellation remains in place.

STAGE 3

The Minister for Education refers any applications for review of cancellations of home educator registrations to a Home Education Advisory Panel. The Deputy Director General, Schools establishes the Panel, appoints the panel members, including one member of the Panel as Chairperson and appoints an Executive Officer to support the operations of the Panel.

STAGE 4

The Chairperson appoints Panel members on behalf of the Deputy Director General, Schools who are considered to have the experience, skills, attributes or qualifications that are appropriate to the case. The Executive Officer arranges for all Panel members to complete declarations about confidentiality and conflict of interest (see Appendix A), makes meeting arrangements and briefs the Panel members about the case to be reviewed. The Executive Officer confirms all relevant information is available to Panel members, the home educator and the Deputy Director General, Schools’ representative who will be putting the case in favour of the decision under review.

STAGE 5

The Panel reviews the decision to cancel the registration in accordance with the relevant sections of the *School Education Act 1999* (s47-54, 223, 241, 242). The Panel gives the parties the opportunity to be heard and to make written submissions, and gives due consideration to the social, cultural, lingual, economic or geographic factors, or learning difficulties, that may be relevant to the decision under review.

The home educator may bring someone to the Panel to provide support however this person does not speak on behalf of the home educator. Representation, which is different to the provision of support, is the situation where a representative speaks for the applicant. The Panel may permit representation where it is of the view that the absence of representation will hinder the effectiveness of Panel proceedings.

The Panel proceedings are not part of a legal forum and therefore legal representation is not required, or appropriate.

STAGE 6

A report of Panel proceedings and recommendations is prepared by the Executive Officer and signed by all Panel members. There is provision in the report for a Panel member to record a minority view. The report is submitted to the Minister for Education and a copy is sent to the applicant and the Deputy Director General, Schools’ representative.

**POST PANEL DELIBERATIONS**

The Minister for Education considers the report and associated recommendations and confirms, varies or reverses the decision to cancel the registration. The Minister gives written notice of the decision to the applicant and the Chairperson of the Panel and includes reasons for that decision. A copy of the Panel’s report is provided to the applicant. The Minister is not bound by recommendations made by the Panel.

The recommended time limit for completion of a Panel report is within 20 working days of the Panel being appointed.

**ROLES ASSOCIATED WITH A HOME EDUCATION ADVISORY PANEL**

DEPUTY DIRECTOR GENERAL, SCHOOLS

The Deputy Director General, Schools:

* establishes a Home Education Advisory Panel;
* appoints a member of the Panel as Chairperson;
* appoints an Executive Officer to support the operations of the Panel; and
* presents the case for upholding the cancellation through a representative and/or a written submission.

ALL PANEL MEMBERS

All members of a Home Education Advisory Panel:

* sign the Confidentiality/Conflict of Interest Declaration (Appendix A);
* consider all information brought before the Panel;
* consider submissions from the home educator and the Deputy Director General, Schools’ representative; with both parties given an opportunity to be heard;
* consider relevant sections of the *School Education Act 1999*;
* uphold the principles of confidentiality and procedural fairness;
* remain unbiased and give a fair hearing to the person/body affected;
* have regard to the social, cultural, lingual, economic or geographic factors, or learning difficulties, that may be relevant to the case;
* seek additional information or clarification through the Executive Officer if necessary;
* maintain confidentiality during and after proceedings;
* formulate recommendations that will be included in a report for the Minister’s consideration; and
* check the completed report and, if satisfied that it is a full and accurate account of Panel deliberations and recommendations, sign the report.

CHAIRPERSON

The Chairperson of a Home Education Advisory Panel:

* appoints the Panel members on behalf of the Deputy Director General, Schools;
* liaises with the Executive Officer regarding venue, time and agenda for Panel meetings;
* oversees the completion of declarations by Panel members about confidentiality, conflict of interest (see Appendix A);
* chairs Panel proceedings and facilitates Panel decision making;
* confirms that Panel members are aware of their roles and responsibilities and that the requirements of the *School Education Act 1999* are followed; this includes provisions for a fair hearing, confidentiality and conflict of interest;
* verifies that the Executive Officer prepares an accurate written report of Panel deliberations and recommendations; this includes reporting minority views expressed by Panel members;
* checks the completed report and, when satisfied that it is a full and accurate account of Panel deliberations and recommendations, signs the report;
* forwards the Panel’s report to the Minister; and
* confirms the process is completed within the recommended timeframe.

EXECUTIVE OFFICER

The Executive Officer makes all arrangements necessary for the convening and operation of a Home Education Advisory Panel.

Accordingly, the Executive Officer:

* provides information to Panel members and all affected parties regarding:
* purpose of the Panel in relation to the case being reviewed;
* procedural advice about the conduct of a Panel;
* relevant sections of the *School Education Act 1999*; and
* roles and responsibilities including confidentiality and procedural fairness.
* confirms that Panel members have signed the Confidentiality/Conflict of Interest Declaration (see Appendix A);
* negotiates a suitable venue and time for Panel proceedings and provides this information to Panel members, the home educator and the Chairperson;
* organises travel arrangements and other support services (such as Translation and Interpreter Services) as necessary;
* prepares an agenda for the Panel meeting/s in consultation with the Chairperson;
* maintains the confidentiality of all documents relating to Panel proceedings; this includes documents provided to Panel members during Panel proceedings;
* assists the Chairperson in ensuring that due process and the requirements of the *School Education Act 1999* are followed;
* facilitates the provision of additional information and undertakes any research that may be required by the Panel;
* keeps accurate and comprehensive minutes of Panel deliberations; this includes reporting minority views expressed by Panel members;
* prepares a report of Panel proceedings, including Panel recommendations, using the format provided in this document (see Appendix B) and confirms it is signed by all Panel members; and
* files all relevant documents according to Department record keeping procedures.

APPENDIX A CONFIDENTIALITY/CONFLICT OF INTEREST DECLARATIONS

**1. Confidentiality**

I declare that no information obtained as a result of my participation as a member of the Home Education Advisory Panel will be disclosed or used except for the purpose of preparing the report of the Panel’s findings.

**2. Conflict of Interest**

When given information by the Executive Officer relating to the Home Education Advisory Panel’s review of the home education of…………………………………………………please complete either A or B (below).

**A)**

I ........................................................... (please print name) hereby declare that I have **no conflict of interest** in this Panel.

**B)**

I ........................................................... (please print name) hereby declare that I **do have a conflict of interest** in this Advisory Panel pertaining to:

Due to a conflict of interest, I .................................................................................... **wish to decline membership** of this Advisory Panel.

**NAME:**

**SIGNATURE:**

**DATE:**

APPENDIX B RECOMMENDED REPORT FORMAT

**‘CONFIDENTIAL’**

1.0 **Title:**

“Home Education Advisory Panel Report”

2.0 **Student details:**

Name, date of birth, home address, year level.

3.0 **Details of Home Educator:**

Name and address, plus (if additional) the address of the place at which educational instruction is usually given.

4.0 **Sociocultural Profile:**

An outlineof the social, cultural, lingual, economic, geographic and other such factors of the student and a statement about the provision that was made by the Panel to have regard for these factors.

5.0 **Panel Membership:**

Names and a summary of relevant experience, skills, attributes or qualifications of the Chairperson and other Panel members. Also the name and position of the Executive Officer.

6.0 **Review meeting/s details:**

Attendees, date/s, time/s and location/s.

7.0 **Documentation:**

7.1 Submission/s made to the Home Education Advisory Panel made by (any and all of) the home educator, the student, the Deputy Director General, schools’ representative and/or the home education moderator.

7.2 Other documents relevant to Panel deliberations and recommendations, possibly including a portfolio of the student’s work and/or documentation of the educational program planned by the home educator.

8.0 **Summary of discussions (as relevant) with:**

8.1 the home educator;

8.2 the student;

8.3 the Deputy Director General, Schools’ representative;

8.4 the home education moderator; or

8.5 any other parties called before the Home Education Advisory Panel.

9.0 **Panel’s response and recommendations:**

A summary of the Panel’s views about how the matter had been dealt with and recommendations about how the matter should be dealt with. Recommendations to be accompanied by reasons. Any minority views expressed by Panel members to be noted.

10.0 **Endorsements:**

10.1 Report prepared by (name of Executive Officer).

10.2 Report signed by Chairperson and other Panel members as a full and accurate account.