

# Guidelines to exempt students from school for employment in the entertainment industry

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These guidelines have been developed to assist all Victorian schools (including government, catholic and independent) with the process to exempt children or young people from school for short-term employment in the entertainment industry.

In accordance with the *Education and Training Reform Act 2006* and the *Education and Training Reform Regulations 2007*, children and young people who are aged 6–17 years of age must be enrolled in a registered school or registered for home schooling and are required to attend school. It is an offence under the *Child Employment Act 2003* for a child to be employed during school hours without an exemption.

Exemption from school attendance is required in writing and must be approved by the school. If the employment is outside school hours, no school exemption is required. An exemption from school for other forms of employment such as part-time work during school hours is not permitted.

There is also a requirement for employers to apply for *Child Employment Permit* for children and young people under the age of 15 through Workforce Victoria, Department of Business and Innovation.

An employer may also apply for a *Blanket Child Employment Permit* (Blanket Permit). A Blanket Permit is issued for a fixed period (usually 12 months) to an employer in the entertainment industry when the employer believes it is likely that they will employ a particular child on more than one occasion but the details of each engagement are not yet known. The engagements must relate to the same form of entertainment and the same type of work and would be limited to 2 hours duration if during school hours. When school exemption is being considered by a school for a Blanket Permit, a maximum of 8 work engagements are allowed per school term if they are during school hours.

## School principal authority to exempt

Under Ministerial Order No. 411 the principal of a registered school has the authority to grant an exemption from attendance at school by a student to allow for short-term employment in the entertainment industry. This authority is made on behalf of the Minister for Education.

## Short-term exemption for employment in the entertainment industry

If a student is to be engaged in employment in the entertainment industry during school hours, a parent or guardian should apply to the school principal for an exemption from attending school. The parent or guardian must complete an *Application for school exemption for work in the entertainment industry form*.

The school principal will make an assessment about whether the child's education will be adversely affected by the employment. In assessing applications for exemption,

the principal will take into account the short-term and long-term benefits to the child, the child's educational needs, attitudes, employment prospects and the family's views.

An exemption may be approved for a limited time and include conditions such as identifying the individual learning needs of the student. The student must continue to attend the school until an exemption is granted.

## Tutoring information

A child or young person who works in the entertainment industry may be required to work during school hours. Under the *Mandatory Code of Practice for the Employment of Children in Entertainment* (the Code) an employer has an obligation to provide tutoring to children under certain circumstances.

When a parent or guardian makes application for an exemption, the principal should assess how the employment might affect a child's educational needs. The principal may attach conditions to the exemption including specifying the number of hours of education the child is to receive, and/or specify subjects or curriculum to be taught. Tutoring obligations apply as follows:

- If the school principal attaches conditions to the exemption (such as hours or subject matter) the employer is obliged to engage a tutor and meet the conditions.
- If the school principal does not make comment about tutoring requirements then the provisions of the Code will apply. The Code requires the employer to engage a tutor once the child has been absent from school for the equivalent of 9 days in any one school term. The tutor must be engaged to deliver to the child a minimum of 2 hours of education per day (or an average of 10 hours of education per week over 4 weeks).
- If the school principal states that the child does not require tutoring for the period then there is no obligation on the employer to provide tutoring. A tutor must be a registered teacher and appropriately qualified to teach the child. The employer must provide opportunity for the tutor to consult with the child's school in order to develop an education plan for the child so that the needs of the child are specifically addressed.

A school principal should contact a Child Employment Officer from Workforce Victoria if they have any concerns about a child engaged in employment. Issues could include concerns about the number of hours or occasions of employment, or a lack of consultation by the child's tutor regarding the child's education plan. Child Employment Officers rely on the child's school to assess the educational needs of the child. There may be occasions when a Child Employment Officer will make contact with a principal if they

have concerns. The employer must ensure that records are kept of the hours of tutoring given to a child and the subject matter covered. Depending on their age, a child may be employed for up to a maximum of 40 hours of combined work and education.

### Review of a decision made by the school principal

Parents or guardians can request a review of a principal's decision to exempt a student for employment in the entertainment industry within fourteen days of the decision being handed down.

The officer responsible for undertaking such a review is:

- Government and independent schools – the relevant Department of Education and Early Childhood Development (DEECD) Regional Director (or nominee)
- Catholic schools – the relevant Catholic Education Commission of Victoria (CECV) Diocesan Director (or nominee).

The grounds for review can include the following:

- the parents/guardians are not satisfied with the decision made by the school principal
- the parents/guardians are not satisfied with the application for exemption process undertaken by the school principal
- the principal has not made a decision for exemption within a reasonable timeframe of receiving an application from the parents/guardians.

The Regional Director or Diocesan Director (or nominee) will ensure any request to review a decision is considered. The Regional Director or Diocesan Director may reconsider the application and make a new decision that applies as if it were made by the principal of the school. The Regional Director or Diocesan Director may also make new decisions about:

- whether an exemption is granted
- the duration of any exemption
- the educational requirements or conditions specified on the exemption.

The Regional Director or Diocesan Director may seek and consider all relevant information relating to the application, including the views of the principal who made the original decision.

### Home schooling

If a child or young person is enrolled in home schooling, exemption is still required. In these instances, the parents or guardians are responsible for approving the student exemption. An *Application for school exemption for work in the entertainment industry* form should still be completed.

### Responsibilities

The flowchart on page 4 illustrates the Child Employment Permit process for an employer and the school exemption process for a parent/guardian and school.

## Employer

- An employer who wishes to engage a child under the age of 15 for employment must submit an *Application for Child Employment Permit* form to the principal.
- The employer will send the completed *Application for Child Employment Permit* form to Workforce Victoria, who will consider the application.
- An employer must ensure that each child is supervised at all times by a person who holds a current and up-to-date *Working with Children Check* assessment notice.
- An employer must ensure the parents/guardians have obtained authorisation from the school to be exempt from school for the short-term employment in the entertainment industry.
- If exemption from school is granted, the employer must comply with the *Mandatory Code of Practice for the Employment of Children in Entertainment* or any tuition and condition requirements specified by the principal during the child's absence from school.

## Parents/guardians

- Parents/guardians of children to be employed in the entertainment industry must ensure they have received sufficient information about the proposed employment BEFORE consenting to the employment.
- If employment of a child is to take place during school hours, the parent is responsible for obtaining an exemption from school for that child.
- As part of this process, the parent/guardian completes an *Application for school exemption for work in the entertainment industry* form and provides the application to the school principal.
- The parent/guardian must also provide a copy of the signed *Parental Consent to Employment of Child* form (from Workforce Victoria) to the principal attached to their application for school exemption.
- The parent/guardian must provide a copy of the exemption to the employer before employment begins.
- If the parent/guardian is not satisfied with the principal's decision, they can apply in writing within fourteen days to the relevant DEECD Regional Director (government or independent schools) or CECV Diocesan Director (Catholic schools) to review the decision.

## Schools

- Principals are to consider the application to exempt a child's attendance from school within a reasonable timeframe or within 2 days of receiving the application form.
- In considering the application, there must be two separate forms provided by the parent/guardian. These are:
  - *An Application for school exemption for work in the entertainment industry* form

- *Parental Consent to Employment of Child* form (from Workforce Victoria).
- If a child is under the age of 15, the employer is required to send an *Application for Child Employment Permit* form (from Workforce) for the principal to consider.
- Any adverse impacts the employment may have on the child's ongoing academic performance and wellbeing should be considered.
- The exemption will be considered and granted/refused. Principals can also attach conditions to the exemption regarding any tutoring requirements for the child, as appropriate.
- Principals should make three copies of this form – provide one to the parent, send one to the DEECD Regional Director (government and independent schools) or CECV Diocesan Director (Catholic schools) and keep the original for their records.
- If the principal's decision is to refuse the application, a fourth copy should be sent to Workforce Victoria by mail.

#### **Regions/Diocese**

- Regions or Diocese will file all decisions made by principals about exemptions in a secure area.
- A DEECD Regional Director (government or independent schools) or CECV Diocesan Director (Catholic schools) (or nominee) will consider a request by parents/guardians for a review of the principal's decision within 1 week and provide the outcome to the parents/guardians within this time.

In considering the application the Regional Director or Diocesan Director (or nominee) will:

- ensure that procedures followed by the school are in accordance with the these guidelines
- take into account the reasons for the principal's decision including any adverse impacts the employment may have on the child's ongoing performance and wellbeing
- take into account the strategies to be implemented including tutoring to minimise any adverse impacts on the child's ongoing academic performance and wellbeing
- ensure compliance by employers with educational requirements (if any) specified in the exemption in addition to the *Mandatory Code of Practice for Children in the Entertainment Industry* in operation from time to time under the *Child Employment Act 2003*.

#### **Further information**

For more information about this process, including a copy of the *Application for school exemption for work in the entertainment industry*, visit:

<http://www.education.vic.gov.au/healthwellbeing/wellbeing/attendance/default.htm>

For more information about child employment, the Child Employment Permit process and the *Mandatory Code of Practice for the Employment of Children in Entertainment*, visit:

[www.business.vic.gov.au/BUSVIC/STANDARD/PC\\_50559.html](http://www.business.vic.gov.au/BUSVIC/STANDARD/PC_50559.html)

or contact a Child Employment Officer at Workforce Victoria by phone: 1800 287 287.

For more information about *Working With Children Check*, visit:

[www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren)

## Employment in the Entertainment Industry School Exemption Process Flowchart

