

Contract Notification

CN No.	2016-11	Date:	11 April 2016
To:	Chief Executive Officer or equivalent		
Purpose:	Contract Variation		
Scope:	All VET Funding Contracts		
Subject:	Evidence of eligibility when enrolling students under 17 years of age that have not yet completed Year 12		

For all RTO staff

Purpose

- This Contract Notification is to advise of a variation to Clause 3.3 of Schedule 1 of the VET Funding Contracts, to amend the evidence of eligibility that is required to be sighted by RTOs prior to enrolling a student under the age of 17 who has not yet completed Year 12.

Background

- In Victoria, the Education and Training Reform Act (2006) requires that children and young people between the age of 6 and 17 be enrolled at a school, unless exempted by an Order made by the Minister. Such exemptions are administered under delegation by Department Regional Directors and School Principals.
- Currently Clause 3.3 of Schedule 1 of VET Funding Contracts states: Prior to enrolling a student under the age of 17, the RTO must sight a Transition from School Form authorising an exemption from school enrolment that has been signed by the student's School Principal (only in instances where the student has completed Year 10); or by a Department of Education and Training Regional Director.
- The Department has determined that for privacy reasons, the RTO can only sight the completed Transition from School Form if the student and parent give consent for them to do so.
- Clause 3.3 is therefore varied with immediate effect as follows:

Prior to enrolling a student under the age of 17:

- for students who have not yet completed Year 10, the RTO must sight correspondence or a certificate signed by the Department of Education and Training Regional Director that exempts the student from school attendance and clearly identifies the RTO and the training to be undertaken; and
- for students who have completed Year 10, the RTO must sight either:
 - correspondence or a certificate signed by the School Principal confirming an exemption from school attendance has been granted and clearly identifying the RTO and the training to be undertaken, OR
 - a completed Transition from School Form indicating the School Principal has authorised an exemption from school enrolment (Section E) and clearly identifying the RTO and the training to be undertaken (noting that this can only be sighted if provided by the student or their parent/carer).

Main Points

- RTOs should provide information to schools when requested to facilitate the process of completing the Transition from School Form. If a student of school age or a representative of their school enquires with an

RTO about enrolling in a course, it is acceptable for the RTO to discuss options and provide a written conditional offer for a course of study to the student, prior to sighting evidence of exemption from attending school. This enables the information to be assessed by the School Principal who is responsible for determining whether the VET enrolment is in the student's best interests and granting an exemption, or recommending that the Regional Director grant an exemption.

- Once the Transition from School Form is completed and it has been determined that the student meets the relevant requirements, the School Principal or Regional Director will provide correspondence or a certificate confirming the student has been granted an exemption from attending school.
- RTOs are advised that where (for reasons of privacy) a prospective student's completed Transition from School Form is not made available, sighting the correspondence or certificate is accepted by the Department as evidence that the student has been granted an exemption from school attendance and that the RTO can proceed with the enrolment process.
- RTOs are reminded that this requirement applies to all students under the age of 17, including those who have completed Year 10.
- RTOs are advised that if a prospective student is unable to produce the relevant documentation, they should be directed back to their school.

Critical Dates

- This Contract Notification is effective immediately, and applies to all enrolments from this point onward.

Relevant Resources

- Flow Chart of Transition from School process.
- Department of Education and Training website:
<http://www.education.vic.gov.au/school/principals/spag/participation/Pages/attendanceexemption.aspx>

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