## Exemplar - Human rights impact assessment: flexible arrangements for state school students

Use this exemplar to determine if your decision is compatible with human rights under the *Human Rights Act 2019*. In this example of an impact assessment, red text indicates where text can be inserted or chosen.

|  |  |
| --- | --- |
| Decision | Flexible arrangement with an alternative education provider |
| Which individuals or groups will be affected by the decision? | <Insert name of student>  |
| School completing assessment | <Insert name of school> | Region | <Insert name of region> |
| What law or regulation allows you to make this decision?  | *Education (General Provisions) Act 2006* (Qld) (EGPA) |

***NOTE:*** *Some human rights have already been identified (below) as ones that could be engaged in decisions about flexible arrangements. For each decision being made information can be removed or added as required.*

Record the outcome of assessment, including any amendments to the policy or procedure

|  |  |  |  |
| --- | --- | --- | --- |
| **IDENTIFY** | **IMPACT** | **JUSTIFICATION** | **OUTCOME**  |
| Are human rights engaged by the decision?  | Are these rights limited or promoted by the decision? | Is there a good reason for any limitation and is it justifiable?  | Is the decision compatible with human rights? Consider all rights engaged.  |
| S.25 Privacy and reputation | The right to privacy and reputation is potentially limited as information about the student’s educational (and other) needs will be provided to the alternative education provider. | Legislation requires teaching staff to undertake a written assessment of the student’s educational and other needs when assessing a proposed flexible arrangement. This assessment is documented in the *Flexible arrangement with an alternative education provider plan*, that will be provided to the alternative education provider for their consideration and agreement (or otherwise) to the arrangement.The alternative education provider requires this information in order to be able to cater to the student’s needs and be considered to be a suitable provider by teaching staff – prior to the arrangement being approved by the authorised entity. | The decision is compatible with human rights. While the right to privacy and reputation is potentially limited, it’s limited in a way that is reasonable and justifiable and supported by legislation. |
| S.26 Protection of families and children | A flexible arrangement promotes the right to protection of families and children. Under legislation, a flexible arrangement cannot be approved by the authorised entity for a compulsory school-aged student unless:* a parent of the student has given written agreement to the arrangement; and
* the authorised entity has discussed the arrangement with the student to the extent the authorised entity considers appropriate, having regard to the student’s age and other relevant circumstances.

The authorised entity cannot approve a flexible arrangement for a student in the compulsory participation phase unless:* the student gives written agreement to the arrangement; and
* the authorised entity has discussed the arrangement with the student’s parents to the extent the authorised entity considers is practicable and appropriate in the circumstances.
 | No limitations have been identified. | The decision is compatible with human rights. The right to protection of families and children is promoted by this decision. |
| S.36 Right to education | A flexible arrangement promotes the right to education. While the student may not necessarily be attending school full-time in the usual way under a flexible arrangement, they will still receive the equivalent of a full-time educational program.Under ss.182 and 183 of the EGPA, teaching staff must undertake a written assessment of the student’s educational and other needs, the learning outcomes that the proposed arrangement is intended to achieve, and the suitability of the provider. When making a decision about a flexible arrangement, the EGPA requires the authorised entity to consider:* the written assessments prepared by teaching staff; and
* how, and by whom, the student’s participation in the arrangement is to be monitored; and
* how, and by whom, each provider’s involvement in the arrangement is to be monitored and its effectiveness evaluated.

Further, the authorised entity has to be satisfied the arrangements are appropriate, having regard to:* the student’s individual needs and circumstances; and
* what the authorised entity considers is most likely to achieve the best learning outcomes for the student; and
* full-time equivalency; and
* any other matter prescribed under a regulation.

Where a proposed flexible arrangement is not appropriate (and therefore not approved), the student continues with their educational program at the school they are enrolled in. | No limitations have been identified. | The decision is compatible with human rights. The right to education is promoted by this decision. |
| <Insert any other human right that is engaged, otherwise delete row> | <Insert related impact> | <Insert justification> | <Insert related outcome> |

|  |  |
| --- | --- |
| Assessed by *Name* | <Insert name of principal> OR <insert name of regional director if applicable> |
| *Position* | Principal, <Insert name of school> OR Regional Director, <insert name of region> | Date | <Insert date> |