



## **MATURE MINORS POLICY**

### **MOUNT ERIN COLLEGE**

#### **Child Safe Standards**

Mount Erin College is a Child Safe School. Our College is committed to safety and wellbeing of all children and young people. We value all students as individuals and their diversity. This will be the primary focus of our care and decision making.

Mount Erin College is committed to providing a Child Safe environment where children and young people are valued and feel safe, and their voices are heard about decisions that affect their lives.

Our College takes a preventative, proactive and participatory approach to Child Safety to ensure that the safety of children is promoted, child abuse is prevented and allegations of child abuse are properly responded to. Mount Erin College has zero tolerance for child abuse.

#### **PURPOSE:**

To explain to members of our school community the circumstances in which Mount Erin College may decide to treat a student as a mature minor to enable them to independently make decisions about their education, health and welfare.

To provide guidance to the Principal on when and how to assess a student as being mature enough to make their own decision about a particular issue.

#### **POLICY:**

Mount Erin College recognises that parents, guardians and carers play an invaluable role in boosting a child's learning and wellbeing through being actively informed and involved from the early years through adolescence.

Mount Erin College will ordinarily engage with a student's parents/carers about a student's education and welfare unless the Principal (or their nominee) decides it is not in the best interests of the student to do so.

There may be a variety of reasons students under the age of 18 sometimes ask to make decisions on their own behalf, without involvement of their parents. Circumstances in which a Principal should make an assessment as to whether a child is sufficiently mature to make their own decision about a particular issue include when:

- the student is living independently of their parents
- there is dispute about a schooling matter between a student and their parents
- there is a dispute about a schooling matter between the student's parents
- the school cannot contact the student's parent about a decision to be made
- the Principal considers that refusing a student's request to make their own decision would have an adverse impact on the student.

The Principal, or their nominee, is responsible for determining whether a student is a Mature Minor for the purpose of making a particular decision about their education or welfare. A student may be treated as a Mature Minor for some decisions and not for others. The Principal (or their nominee) will decide whether a student should be treated as a mature minor on a case by case basis and may consult with school staff including

members of the Leadership Team, Year Level Coordinators, Wellbeing staff and Student Support Services or any external health professionals treating the student with the consent of that student where appropriate.

This policy also reflects the Mount Erin College's obligations to act consistently with the *Charter of Human Rights and Responsibilities 2006 (Vic)* to protect children and families. The Charter expressly provides that all children have the right to protection that is in his or her best interests and needed by them because they are a child.

### **GUIDING PRINCIPLES:**

The law recognises that as children become older and more mature, they are more capable of making their own decisions about a wide range of issues including decisions about their education, healthcare and wellbeing. The law recognises that a young person may reach this stage before they are 18 years old. These young people are referred to as 'Mature Minors'.

The aim of this Policy is to apply the Department's Policy to engage parents in schooling matters unless it is not objectively in the best interests of the student to do so. The best interests of the student must always govern a Principal's decision about whether a student should be deemed a Mature Minor.

Principals should consider whether a student is a Mature Minor based on these points:

- the law recognises that a young person with sufficient maturity and intelligence to understand the nature and effect of a decision has the capacity to make that decision on their own behalf
- there is no specific age when a young person may be deemed sufficiently mature and capable of making his or her own decision
- the Principal is responsible for determining whether a student is a mature minor for the purpose of making a particular decision about their education or welfare

The Principal must be satisfied that the young person has sufficient maturity, understanding and intelligence to comprehend the nature and effect of the particular decision.

The Principal is responsible for assessing and establishing this, based upon their interview/s and conversations with the student, and relevant members of staff, and taking into consideration the student's:

- age
- level of maturity for their age
- understanding of the issues and consequences
- living arrangements (independence)
- previous academic results/school reports
- best interests

***The Principal will document their decision and the reasons for their decision.***

A Principal may deem a student to be a mature minor for some decisions and not for others.

### **STUDENTS LIVING INDEPENDENTLY:**

A student living independently means a student aged at least 15 years who is not living in the day to day care of a parent or carer pursuant to a Court Order.

Students sometimes choose to live separately from their parents. There are vastly different reasons why this occurs. Sometimes this is because the student no longer wishes to abide by their parents' rules. This also occurs in situations of neglect, emotional abuse, family violence or where a parent is drug or alcohol affected. When a student is living independently, the student may ask that the school:

- deem them a Mature Minor for all aspects of their education and welfare, so that the school no longer involves their parents in decisions about their education, and

- no longer inform their parents about their schooling matters, including no longer providing School Reports to the parent.

### **Making schooling decisions on their own behalf**

In *all* circumstances when a student makes this request, the Principal (or their nominee) will first try to obtain confirmation from the parents or other responsible adult that the student is no longer living at home.

If the school confirms that the student lives independently, the school will ask the student to nominate a suitable adult to be a point of contact for the student, to sign consent forms and for emergencies, etc. If the student nominates a suitable adult, the school can then allow that suitable adult to make decisions for the student.

If the student is living in the care of the nominated suitable adult, the school will ask the adult to provide an Informal Carer Statutory Declaration, confirming they have day to day care of the child, unless the adult can provide evidence of more formal Carer status with a Court Order.

If the student is unable or unwilling to nominate a suitable adult to make decisions on their behalf, the school will make a record of this. The school can then determine whether the student is a Mature Minor having regard to all the student's individual circumstances, including the principles set out above. Again, the best interest of the student is always the paramount consideration.

If Principal deems the student to be a Mature Minor for all schooling decisions, the school will then deal directly with the student for all decisions about schooling matters. This includes, for example, signing their own excursion forms.

If a parent then objects to the school allowing the student to make their own decisions about schooling matters, again the primary consideration is the best interests of the student. This includes what is in the best educational interests of the student. Unless there is a risk of harm, the school will encourage the student and parents to resolve their differences.

If the Principal is concerned that the student is not sufficiently mature to make their own decision about any or all school matters, the school should report their concerns to an appropriate adult or care agency such as the Department of Health and Human Services (DHHS).

### **School reports and general educational progress:**

Sometimes students ask the school to stop sharing their personal information with their parents. If the Principal deems the student to be a Mature Minor for this decision, or the student is living independently, the school will normally agree to this request other than with respect to general information about the student's educational progress and school reports.

Mount Erin College will continue to keep parents informed about the student's general educational progress and provide them with School Reports, unless the Principal considers that doing so would adversely impact on the educational, social or emotional wellbeing of the child. Such circumstances might include:

- concerns for the student's safety, welfare or wellbeing due to allegations of family violence, emotional abuse or sexual abuse
- entrenched/protracted parental conflict having an adverse impact on the student and their education outcomes
- the student is estranged from the parent and the parent is not involved in supporting their child's education.

### **FURTHER INFORMATION AND RESOURCES:**

- School Policy and Advisory Guide: [Mature Minors](#)

### **REVIEW CYCLE:**

This Policy was last reviewed on September 2018 and is scheduled for Review on September 2021.