

Children and Young People (Work Experience) Standards 2022 (No 1)

Disallowable instrument DI2022–178

made under the

Children and Young People Act 2008, s 887 (Standard-making power)

EXPLANATORY STATEMENT

Background

The *Children and Young People (Work Experience) Standards 2022 (No 1)* provide the framework for work experience programs conducted by schools and educational institutions in the ACT.

The Work Experience Standards are pursuant to section 887 of the *Children and Young People Act 2008* (CYP Act) and are outlined in Chapter 21 of the CYP Act.

Disapplication of Legislation Act, s 47 (5)

The ACT Education Directorate's Workplace Learning Program Guidelines and Requirements 2018 are incorporated into this instrument (see s 4). The Legislation Act, s 47 (5) provides that such incorporated material is taken to be a notifiable instrument.

A notifiable instrument must be notified on the legislation register under the Legislation Act. However, the Legislation Act, s 47 (5) may be displaced by the authorising law (the Act) or the incorporating instrument (this instrument) (see Legislation Act, s 47 (7)).

The Legislation Act, s 47 (5) is displaced here because ACT Education Directorate's *Workplace Learning Program Guidelines and Requirements 2018* is accessible on the Directorate's website, therefore, there is no need to publish the guidelines on the legislation register.

Introduction

This section requires application for an exemption to the Director-General of the ACT Education Directorate from the employment provisions at Chapter 21 of the *Children and Young People Act 2008*, and identifies the role of the ACT Education Directorate in implementing the Work Experience Standards.

Interpretation

This section defines key terms used in the Work Experience Standards, as defined in the *Children and Young People Act 2008* and *Legislation Act 2001*.

Purpose of work experience programs

This section outlines the purpose of work experience programs organised by educational institutions for children and young people aged under 15 years in the ACT.

Eligibility for an educational institution to conduct a work experience program

This section requires educational institutions to apply for exemption to the Director-General of the ACT Education Directorate for young people aged 14 years and over to participate in a work experience program.

Eligibility for a young person aged under 14 years to participate in a work experience program

This section requires educational institutions to apply to the Director-General of the ACT Education Directorate for an exemption for young people aged under 14 years to participate in a work experience program. Participation in such targeted work experience programs is restricted to high school students only.

As prescribed in the ACT Education Directorate's Workplace Learning Guidelines and Requirements, educational institutions arranging work experience programs for a student aged under 14 years (e.g. in school level Year 9) **must** apply to the Director-General of the ACT Education Directorate in writing, including:

- key details of the work experience program proposed;
- reasons why the proposed program is relevant to the curriculum; and
- confirmation that it is in the best interest of the child or young person who is participating.

Register of host employers

This section requires the ACT Education Directorate/educational institutions/host schools to maintain a register of participating host employers in determining the suitability of the host employer to provide work experience placements.

Arrangement of work experience placements

This section outlines the obligations of the host school, the host employer and provider (if applicable) in arranging a work experience program arrangement.

Mandatory four-way agreement

This section provides that before entry into a work experience placement, the student, their parent/s or guardian/s, the host school and host employer must consent to the program by **each party** signing a four-way agreement. The four-way agreement sets out clear expectations of all the parties involved and participating in the work experience program.

Complaint procedure

This section states that the four-way agreement provides for a complaint protocol where a parent/guardian and student has the right to make a complaint about any aspect of the work experience program.

Obligations of host employers

This section outlines the obligations of host employers to provide a safe and positive work experience program for students.

Duty of care by host schools

This section places obligations on the host school or provider to properly prepare a student for work experience and to take steps to ensure the safety and wellbeing of the student while on work experience placement.

Variations to placement

This section requires a host school or provider to complete additional forms for any special needs to ensure student safety, interstate placements and placements outside standard hours.

Preparation and supervision of students

This section requires a host school or provider to ensure that students placed on work experience placements are on the same conditions that apply to ordinary workers in that workplace, are provided with a Safety and Emergency Procedures Student Contact Card and, where practical, arrange visits by a workplace learning coordinator or teacher during the placement.

Restricted and prohibited activities

This section prohibits work experience placements that include activities deemed to be high-risk and are prohibited by the ACT Education Directorate's workplace learning program guidelines and requirements.

For workplace experience programs that contain restricted activities, special consideration needs to be given to address risks to a child or young person. The ACT Education Directorate's prescribed workplace learning program guidelines and requirements will list restricted activities and the necessary approvals required prior to commencing a work experience program by a student.

Hours of operation

This section sets out the hours of work for work experience placements. Work experience placements are generally within normal working hours between 7.00am and 7.00pm, and does not usually exceed 40 days each calendar year.

Suspension of work experience program exemption

This section provides for a suspension of an educational institution's exemption if the Director-General of the ACT Education Directorate suspects on reasonable grounds that the educational institution has not complied with, or continues to not comply with, the Work Experience Standards.

No payment in cash or kind

This section provides that no remuneration will be paid to a student for participation in a work experience placement.