

STATEMENT ON INVESTIGATION

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Outcome of investigation into the department's handling of student absences and communication about student transfer

The Ombudsman has concluded an investigation about the Department for Education (**the department**).

The complainant had concerns about the treatment of his two children by the Adelaide Secondary School of English (**the school**). The complainant and his children are refugees and their first language is Arabic. The complainant does not speak fluent English.

The complainant and his children are Muslim and as part of their religious practice, they engage in prayer at a mosque each Friday.

The complainant enrolled his children in the New Arrivals Program at the school. The New Arrivals Program is an intensive English language program for students who have newly arrived in Australia.

Issues considered by the Ombudsman

Failure by the school to appropriately handle the children's school absences on Fridays

During the 2017 school year, the complainant's children left school grounds each Friday to attend prayer at a mosque. The children were absent from school for approximately 60 to 90 minutes per week.

The school was concerned that the children missed part of their lesson each Friday. The school's principal conveyed those concerns to the complainant throughout the 2017 school year. This made the complainant and his children feel personally attacked and embarrassed.

The complainant told the school that engaging in Friday prayer at a mosque held cultural and religious significance for him and his children.

The department advised the Ombudsman that there were prayer rooms at the school to ensure that students could engage in their religious observance.

The Ombudsman:

- expressed concern that a school whose curriculum is specifically adapted for New Arrivals did not show greater understanding of the cultural significance of engaging in Friday prayer at a mosque
- noted that despite the school's awareness of the childrens' regular absences, it did not appear to negotiate an alternative arrangement
- noted that this was not a situation where a parent was removing a child for an improper reason, instead, the absences were for genuine religious and cultural reasons
- observed that the school's approach appeared to have been to repeatedly tell the complainant that his children should not be absent from school which did not appear to

be particularly effective; once it became clear that the absences were going to continue on a regular basis, the school could have explored alternative arrangements.

- considered that, in the circumstances of this case, it was inappropriate and unreasonable to rigidly insist that the children attended all their Friday lessons.

Other communication issues

It was the school's general policy that students who were 18 years old would be transitioned to Thebarton Senior College, which is an adult campus. When the complainant enrolled his children at the school, this was verbally explained to him.

In October 2017, the school's principal met with the complainant in the presence of an Arabic interpreter. The complainant's eldest child would turn 18 shortly, and the school proposed that both of his children have their school enrolment transferred to Thebarton Senior College. During that meeting, the principal also discussed the school's concerns about the children leaving school each Friday to engage in prayer at a mosque.

The department told the Ombudsman that it considered:

- the complainant's eldest child was soon to reach 18 years of age, and it was the school's practice that they would transition to an adult school
- it was appropriate to ensure that both children could study at the same school so that they could support one another
- the most appropriate action was that both children be transitioned to Thebarton Senior College.

The school sent a letter to the complainant after the meeting. The letter was in English and not translated into Arabic. The letter referred to the school's concerns about the children leaving the school each Friday to engage in prayer at a mosque, and also advised that the children's enrolment at the school would be terminated.

The complainant formed the view that his children's enrolment at the school was being terminated due to his family's religious practice of attending the mosque each Friday. He was very concerned about this.

The complainant attempted to seek assistance from his trauma counsellor, the Islamic Society of South Australia, and the Legal Services Commission. Those agencies communicated the complainant's concerns to the school.

It did not appear that the school attempted to directly clarify the situation with the complainant.

In addition, on 30 November 2017, the school called the complainant's home. The purpose of the call was to raise a concern that the eldest child's behaviour at school had been disruptive. It did not appear that the school attempted to address this issue further.

The children ceased their enrolment at the school in December 2017.

Yet, in January 2018 the school sent a letter to the complainant. That letter was written in English and not translated into Arabic. The letter expressed concerns about the behaviour of the complainant's eldest child and stated that the child's enrolment had been terminated. The Ombudsman accepted that the school proposed that the children's school enrolment should be transferred to Thebarton Senior College due to the age of the complainant's eldest child. However the Ombudsman did not consider that the school ever clearly stated this to the complainant.

The Ombudsman considered that:

- each time that the school wrote to the complainant about the decision to transition the children to Thebarton Senior College, the letter included other issues that were not relevant to that decision
- it was understandable that the complainant formed the view that there were multiple reasons for the school's decision to transfer his children's school enrolment.

Outcome

The Ombudsman concluded that:

- the failure by the school (and by extension, the department) to appropriately handle the children's school absences on Fridays, for a genuine religious reason, was unreasonable
- the failure by the school (and by extension, the department) to clearly articulate, as distinct and separate matters:
 - its concerns about the children's absence from school on Fridays
 - its concerns about the eldest child's behaviour, and
 - the proposal to transfer the children's enrolment to Thebarton Senior College was wrong.

Recommendations

To remedy these errors, the Ombudsman made the following recommendations:

1. That a formal apology be issued from the department to the complainant.
2. That the department updates the attendance procedures to allow for approval to be granted for students, via a conditional exemption, to be given the opportunity to participate in Friday prayers, and then return to school.
3. That the department prepare an information sheet about the age limitation at the Adelaide Secondary School of English, and the policy decision to transfer adult students to Thebarton Senior College for the student to complete the New Arrivals Program.
4. That the department reminds staff of the Adelaide Secondary School of English of the importance of communicating decisions affecting students clearly in writing, and using interpreters as necessary.

The department indicated that it is willing to implement the Ombudsman's recommendations.