

School operations

Mature Minors and Decision Making

Policy

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The purpose of this policy is to provide guidance on when and how to assess a student as being mature enough to make their own decision about a particular issue.

Summary

- Where a student under the age of 18 asks to make a decision instead of their parent or carer, principals or others working with students in schools can decide that the student is capable of making their own decision i.e. that they are a mature minor for the purpose of making a particular decision.
- To be considered a mature minor, principals or others working with students must be satisfied that the student has sufficient maturity, understanding and intelligence to understand the nature and effect of their particular decision.
- A student can be considered capable of making some decisions but not others.

Details

The Department recognises that parents and carers play an invaluable role in supporting a child's learning and wellbeing through being actively informed and involved from the early years through adolescence. Notwithstanding this, for a variety of reasons students under the age of 18 years sometimes ask to make decisions on their own behalf without the involvement of their parents or carers. For example, engaging with a health practitioner or allied health professional or going on an excursion.

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, but there is no specific age when a young person may be sufficiently mature and capable of making their own decision. These young people are referred to as 'mature minors'.

When responding to a request from a student to make a decision on their own behalf, principals or other professionals working with students in schools must make an assessment as to whether a child has sufficient maturity, understanding and intelligence to understand the nature and effect of a particular decision. In making this decision, a principal or other professional can take into account:

- knowledge of and conversations with the student
- the student's age, level of maturity for their age and their understanding of the issues and consequences of their proposed decision
- the student's living arrangements and independence (for example, if they are not living with their parents)
- the student's previous academic results/school reports
- the views of members of the leadership team, relevant teaching staff, school welfare staff, Student Support Services (SSS) staff or any external health professionals treating or working with the student.
- whether or not another professional working with the student has decided that that student is capable of making other decisions for themselves
- whether, and if not why, the student will inform their parents/carers before or after making the decision
- whether it is in the student's best interest to make the decision with or without parent/carer consent

A principal or other professional working with a student may decide that a student is a mature minor for some decisions but not for others. For example, a principal may decide that a student is a mature minor for the purpose of consenting to a referral for SSS, but this does not necessarily mean that the principal would automatically decide that the student is capable of making all decisions relating to their education or welfare.

When deciding whether a student should be considered to be a mature minor for a particular decision at school, principals and staff must also consider the human rights of any relevant parties (for example the student's rights and their parents/carers' rights) as set out in the Charter of Human Rights and Responsibilities Act 2006 (Vic) (Charter) and must act compatibly with the Charter. For more information refer to: [Charter of Human Rights](#).

The Department's Legal Division can also provide advice for schools to assist them in deciding whether a student is a mature minor, as needed, at legal.services@education.vic.gov.au or (03) 9637 3146.

This policy does not apply to students aged 18 or over. Adult students can make all decisions that parents or carers can make. Refer to: [Decision Making Responsibilities for Students](#) for guidance on decision-making for adult students.

Students living independently

Students sometimes do not live in the day-to-day care of their parents. There are a range of 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 decide:

- that they are a mature minor for all or some aspects of their education and welfare
- that another adult carer who they are living with can make decisions about them instead of their parents

Principals must make an assessment as to whether a child has sufficient maturity, understanding and intelligence to understand the nature and effect of these decisions, taking into account the considerations set out above, after speaking to the student, relevant members of the school's leadership team and other professionals supporting the student in the school.

Students who live independently will not always be mature minors for all or some education or welfare decisions, but their living independently is a relevant factor for consideration in deciding whether they are a mature minor.

In all circumstances when a student starts living away from their parents and notifies their school that they request to be considered a mature minor for any or all school-related decisions, the principal should first try to obtain confirmation from the parents or other responsible adults that the student is no longer living at home.

If the school confirms that the student lives independently and decides that a student is a mature minor for all schooling decisions, the school can then deal directly with the student for all decisions about schooling matters. This includes, for example, the student signing their own excursion consent forms.

If the school confirms that the student lives independently and the student is not assessed as being a mature minor for a particular decision or all schooling decisions, refer to: [Decision Making Responsibilities for Students](#) for guidance on understanding who the suitable adult is to make decisions about the student. If there is no adult carer acting protectively for the student and able to make decisions for the student, the school should report their concerns to the Department of Health and Human Services Child Protection or potentially Child FIRST.

School reports and general educational progress

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

If a principal or their nominee has any concerns about any aspect of this decision-making process, seek advice from the Legal Division.

Related policies

- [Decision Making Responsibilities for Students](#)

Relevant legislation

- [Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#) 
- [Health Records Act 2001 \(Vic\)](#) 
- [Privacy and Data Protection Act 2014 \(Vic\)](#) 



Guidance

There is no further guidance for this topic

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