



DIOCESE OF LISMORE
CATHOLIC SCHOOLS OFFICE

Guidelines
for the Management of
Student Attendance
in the
Catholic Schools Office
Diocese of Lismore v6



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Section A

Monitoring Student Attendance

1 Context

- 1.1 Regular attendance at school is essential if students are to maximise their potential. Schools, in partnership with parents, are responsible for promoting the regular attendance of students. While parents are legally responsible for the regular attendance of their children, school staff, as a part of their duty of care monitor part or whole day absences.
- 1.2 This document applies to all Lismore systemic schools, excluding pre-schools.
- 1.3 The school attendance register (roll) should reflect the highest professional standards.

2 Responsibilities

- 2.1 Parents are responsible for:
 - enrolling their children of compulsory school age in a government or registered non-government school or registering them with the Board of Studies NSW for home schooling;
 - ensuring that their children attend school regularly;
 - explaining the absences of their children from school promptly and within seven days to the school;
 - taking measures to resolve attendance issues involving their children.
- 2.2 The responsibilities of school staff
 - 2.2.1 The Principal is responsible for ensuring that:
 - students are enrolled consistent with the Diocesan enrolment policy
 - staff provide a caring teaching and learning environment which fosters students' sense of wellbeing and belonging to the school community;
 - programs and practices are implemented to address attendance issues when they arise;
 - clear information is provided to students and parents regarding attendance requirements and the consequences of unsatisfactory attendance.
 - excellent and improved student attendance are recognised and rewarded;
 - attendance records are maintained in a Diocesan-approved format and are an accurate record of the attendance of students;
 - All official hard/PDF copies of student attendance are accurate and endorsed as accurate by the principal or other nominated member of the school executive;
 - staff record accurately the attendance of each student in each lesson when lessons are conducted in a number of classrooms or locations;
 - a system is established for signing out students who need to leave the school premises during school hours;
 - all attendance records including details of transfers and exemptions are accessible to the Director of Schools or designated CSO officer and to the Board of Studies Inspector;
 - documented plans are developed to address the needs of students whose attendance is identified as being of concern;
 - the Director of Schools or designated CSO officer is provided with regular information about students for whom chronic non-attendance is an issue and for whom school strategies have failed to restore regular attendance;
 - relevant school policies and procedures are developed and implemented to address attendance issues including truancy. They should provide strategies for encouraging good attendance and establish structures and procedures that support teachers in addressing issues of student non-attendance;
 - school staff are trained to implement school attendance policies and procedures and that personnel with delegated responsibility for maintaining attendance records are supervised;

- 2.2.1 The Principal is responsible for ensuring that: (*cont'd*)
- parents and students are regularly informed of attendance requirements;
 - all cases of unsatisfactory attendance and part or full day absences from school are investigated promptly and that appropriate intervention strategies are implemented.
- 2.2.2 Whenever a class is conducted at a site other than the school site, attendance must be recorded. In addition, schools are required to develop their own procedures to monitor attendance during the day. There may also be situations due to the nature of the school location or the attendance record of particular students where further attendance monitoring may need to be implemented.
- 2.2.3 The principal or authorised member of staff will undertake all reasonable measures to contact parents promptly concerning an unexplained absence. Contact with the parent may be made either by telephone, email or sms text message, if a pre-arranged secure address has been provided.
- 2.2.4 The principal or an authorised member of staff will ensure that where absences are recorded within five school days of the occurrence of the absence, the hard copy roll should not be amended. (See Statement 4.2.4)
- 2.2.5 In the case of students participating in course work or school activities away from the school site (such as work placements), the principal or an authorised member of staff should obtain an accurate record of student attendance at other sites at the conclusion of each school week.
- 2.2.6 Principals may grant:
- sick leave to students whose absences are satisfactorily explained as being due to illness (See Appendix A:10.2 Attendance Register Code 'S')
 - an exemption from school attendance for periods totalling up to and including 100 days in a 12 month period for any one student (See Appendix A:10.2 Attendance Register Code 'M')
 - an exemption from school attendance for students wishing to participate in employment in the entertainment industry or participation in elite sports events for periods totalling up to and including 100 days in a 12 month period for any one student(See Appendix A:10.2 Attendance Register Code 'M')
- Note: For large scale and long running productions applications for exemptions for periods over 100 days in a 12 month period for any one student should be forwarded to the Director of Schools of Schools*
- part-day exemption from school attendance for periods totalling up to and including and including 100 full days in a 12 month period for any one student (See Appendix A:10.2 Attendance Register Codes 'M' and 'Pa') (See Section 'B' Exemptions from Attendance and Exemptions from Enrolment, 11.1.10.
- 2.2.7 Principals may record up to 15 days in a school year for students of compulsory school age who have provided an explanation of the absence which has been accepted by the principal (See Appendix A:10.2 Attendance Register Code 'L'). This may be due to:
- misadventure or unforeseen event
 - participation in special events not related to the school
 - domestic necessity such as serious illness of an immediate family member
 - attendance at funerals
 - recognised religious festivals or ceremonial occasions.
- Additional days for students not of compulsory school age may be recorded at the principal's discretion.
- 2.2.8 Principals may decline to accept as satisfactory an explanation for an absence. The parent should be advised in writing that the explanation has not been accepted and a reason for the decision provided.

2.2.9 Principals may request medical certificates or other documentation when absences explained as being due to sickness are frequent or prolonged.

Medical certificates are not sacrosanct documents. Where principals have concerns about medical certificates being produced for absences, they can ask the parent to request that the doctor write on the certificate the statement 'this child is unfit for school' with specified dates included.

Where principals have ongoing concerns, they can request the parents' consent to contact the doctor. If the request is denied, or if the principal is still not satisfied with the reason for absence, they can record the absence as 'unjustified'. (See Appendix A:10.2: Attendance Register Code 'A')

2.2.10 Principals may nominate staff to maintain attendance registers (rolls). In such cases, the principal must ensure that these staff:

- know the procedures in this document before marking the attendance register and following up absences. Staff must understand how an absence should be noted on an attendance register using the approved codes;
- seek verbal or written advice promptly from parents regarding unexplained full or part day absences. Parents may not be aware that their child has been absent from school and will expect to be informed promptly if unexplained absences occur. Schools may wish to request this information by telephone;
- retain records of written, electronic and verbal explanations from parents. If school staff receive verbal explanations from parents, they should record, sign and date the explanation;
- are aware of their responsibility to alert the principal or staff member responsible for monitoring attendance when a student's pattern of attendance is of concern, or if no explanation is received from the parent or carer;
- report habitual unexplained, full or part day absences, fractional truancy and persistent lateness promptly to the principal or nominee.

2.3 The responsibilities of CSO officers

2.3.1 The Director of Schools is responsible for ensuring that:

- schools are supported to maintain accurate records of student attendance in a form approved by the Minister. The Diocesan system should conduct regular audits of school attendance registers and provide support to principals in maintaining these documents;
- processes are in place to support principals prior to approval being given by the Director for students of compulsory school age participating in alternative education programs involving part day exemption from attendance at school;
- recommendations are made about the prosecution of cases of non-attendance or failure to enrol a child at school, in the first instance to the Catholic Education Commission, NSW;
- plans are implemented for the improvement of the attendance of students who are identified by schools as chronic non-attenders;
- all schools implement a system for signing out students who need to leave the school premises during school hours.

2.3.2 The Director of Schools may grant:

- an exemption from school attendance for periods totalling up to and including 100 days in a 12 month period for any one student. (See Appendix A:10.2 Attendance Register Code 'M')

3 School Attendance Records-Requirements

- 3.1 School attendance records must include:
 - a Register of Enrolments to be retained permanently;
 - notes and records of verbal explanations for absences from parents. This advice is to be retained for seven years from the date of receipt;
 - an Attendance Register (roll) to be retained for seven years.
- 3.2 In a case where a student has an accident necessitating an accident report, all attendance records should be retained until the end of year in which the student reaches the age of 25.
- 3.3 The student's record file detailing the number of absences each year must be retained for seven years after the student has left. In the case of a student who has had an accident necessitating an accident report, the record file should be retained until the end of the year in which the student reaches the age of 25 years.
- 3.4 Records for Certificates of Exemption from attendance and enrolment must comply with requirements of Statement 11.4 in Section B- Exemptions from Attendance and Exemptions from Enrolment.

4 Attendance Registers (Rolls)

- 4.1 Manual and electronic rolls must reflect the highest professional standards.
 - 4.1.1 The [Education Act \(1990\)](#) (Section 24) requires that attendance registers (rolls) be maintained in a form approved by the Minister. These may be either manual or electronic rolls. This document describes the approved forms attendance registers may take.
 - 4.1.2 Attendance registers (rolls) must be maintained on all days on which the school is open for instruction, including school sports days, swimming carnivals, excursions and similar events.
 - 4.1.3 The exception method (marking absences only) is to be followed by all schools. Only the codes listed in the NSW Attendance Register Codes are to be used. (See Appendix A:10.2)
 - 4.1.4 School attendance must be recorded on the attendance register (roll) early in the school day.
 - 4.1.5 Students involved in off-site activities endorsed by the school must not be marked as absent. (See Statement 2.2.2)
 - 4.1.6 Attendance information must be recorded on either an electronic attendance register or approved manual roll, on a daily basis. Staff responsible for maintaining attendance registers must be acquainted with requirements of this document and correct procedures.
- 4.2 Electronic attendance registers (rolls)
 - 4.2.1 A hard copy or PDF copy is to be generated fortnightly. The principal or delegated member of the school executive must endorse this hard/PDF copy, certifying its accuracy. Once endorsed, this hard/PDF copy becomes the official record of attendance and must not be amended.
 - 4.2.2 A hard/PDF copy of the electronic record of individual students must be generated at the end of each term and attached to the student record file.
 - 4.2.3 In the case of late arrival or early departure, the precise times of arrival or departure must be recorded with the relevant attendance code.
 - 4.2.4 Where an alteration is necessary on an electronic attendance register, a line is to be ruled through the existing hard/PDF copy entry and the correct entry made above. The electronic record must then also be amended. The principal should initial any changes.

Note: Alterations only apply to errors in roll marking.

- 4.2 Electronic attendance registers (rolls) (*cont'd*)
- 4.2.5 Codes to be used on electronic attendance registers are found at Appendix A:10.2. Additional codes are not to be used.
- 4.3 Manual attendance registers (rolls)
- 4.3.1 Codes to be used on manual attendance registers are found at Appendix A:10.2. Additional codes must not be used. Supplementary comments regarding absences may be made in the 'notes' column, if required.
- 4.3.2 In the case of late arrival or early departure, the precise times of arrival or departure must be recorded with the relevant Attendance Register Code.
- 4.3.3 The teacher or other nominee of the principal, responsible for maintaining a manual attendance register, is required to initial the register each day in the place indicated. The principal (or authorised person) should endorse the register at least once a term.
- 4.3.4 Where an alteration is necessary on a manual attendance register, a line is to be ruled through the existing entry and the correct entry made above. Correction fluid must not be used.
- 4.4 Special circumstance registers
- 4.4.1 Attendance registers must be maintained each day the school is open with the exception of:
- days on which there is part or full day industrial action involving teachers
 - approved staff development days
 - days on which the school is inaccessible due to natural occurrences such as fire or flood. Principals should consult with Diocesan personnel prior to deciding that a school is inaccessible.
- 4.4.2 Special circumstance registers are to be maintained on days as outlined in 4.4.1. They should:
- specify the dates and times of the variation
 - indicate the reason for the variation
 - list students attending on that day
 - be signed by the teacher maintaining the register
 - be permanently attached to attendance registers (rolls).
- 4.4.3 For schools maintaining a manual attendance register (roll), a broken line must be ruled through that day's column and the notation 'Roll not marked - see special circumstance register' recorded within.
- 4.4.4 Electronic attendance registers (rolls) should have the facility to display a 'staff development day' (or similar) message on staff development days. A similar notation must be made on hard/PDF copies of electronic attendance registers regarding other reasons for maintaining a special circumstance register (e.g. industrial action or school closure due to fire or flood).
- 4.4.5 Absences on these days are not to be recorded or counted as absences for statistical purposes.
- 4.4.6 Students can attend a specialist education setting separate to a mainstream school on a sessional or full-time basis. Such settings include tutorial centres and programs, behaviour schools, juvenile justice and hospital schools.
- Where the mainstream school principal verifies that a student is attending a specialist education setting, the mainstream school can mark the attendance register with the Attendance Register Code 'H' to denote student attending a specialist education setting on a sessional or full-time basis.
- Where the duration of attendance at a specialist education setting is more than four days in duration, the specialist education setting should use the special circumstance register to record student attendance (as per Statement 4.4.2). The special circumstance register should be returned to the student's mainstream school, preferably weekly.

- 4.5 Security of attendance registers (rolls)
- 4.5.1 Registers (rolls) must be stored in a secure location within the school.
 - 4.5.2 They must not be removed from the school premises unless removal is warranted by exceptional circumstances such as fire or flood. Teachers must not take attendance registers home.
 - 4.5.3 The loss of an attendance register (roll) is a serious occurrence and must be reported immediately to relevant Diocesan personnel. A new register (roll) should be commenced immediately. Attendance information referring to absences on occasions prior to the commencement of the new register must not be included.
 - 4.5.4 A notice signed by the principal must be attached to the new register (roll). The notice must state the period for which the original register was a record of student attendance (e.g. 1 February - 30 March, 2009) and the date from which the replacement register (roll) commences.
 - 4.5.5 At the end of each school year the principal must ensure that the attendance register (roll) and attached special circumstance registers are preserved as a complete record of students' absences for that year.
 - 4.5.6 Copies only of the register of daily attendance should be stored offsite at regular intervals.
- 4.6 School sport rolls
- 4.6.1 School sport is an integral part of the curriculum. Principals must ensure adequate attendance monitoring practices at school sport to ensure the safety of students.
 - 4.6.2 Specific sports rolls must be marked at the beginning and conclusion of each sports session. Attendance information contained on sports rolls must be transferred to the attendance register (roll). Absentees must be followed up promptly to ensure that the school's procedures for managing non-attendance are implemented.
- 4.7 Overseas exchange students
- 4.7.1 Students participating in accredited overseas student exchange programs for periods of up to 12 months are to remain on the school attendance register (roll). They are not to be marked absent for the duration of their exchange.
 - 4.7.2 A note is to be attached to the attendance register (roll) regarding the place and duration of the exchange. For statistical purposes, students on overseas exchange are to be considered present.
- 4.8 Senior students participating in flexible timetables
- 4.8.1 The attendance of senior students participating in flexible timetables must be recorded in the same manner as other students. However, scheduled days or periods of non-attendance must not be marked as absences. The symbol noted in the Attendance Register Code, 'F', regarding timetabled days or periods of non-attendance should be used. (See Appendix A:10.2).
 - 4.8.2 The scheduled non-attendance of senior students participating in flexible timetables is not recorded as an absence for statistical purposes.
- 4.9 Students who are suspended from school in accordance with Diocesan Policy.
- 4.9.1 The appropriate Attendance Register Code symbol for suspension ('E') is to be used to denote the absences of students whilst on suspension. This symbol is to be used only for the duration of the suspension and must not be applied to students who fail to return to school following the suspension period. In such cases, the student's absence would be unjustified and recorded accordingly. (See Attendance Register Code 'A' at Appendix A:10.2).
 - 4.9.2 The absence of students who are suspended are counted as absences for statistical purposes.

4.10 Students who are exempted from school

4.10.1 The appropriate symbol for exemption is to be used when the absences are the result of students being exempted from attending school (see Attendance Register Code 'M' at Appendix A:10.2). This symbol is to be used only for the duration of the exemption and must not be applied to students who fail to return to school following the exemption period.

4.10.2 The absences of students who have been exempted from school are not counted as absences for statistical purposes.

4.11 A student's name must be removed from an attendance register (roll) if:

- the student enrolls in another school;
- advice has been received from parents that the student is enrolled in another registered school, or is registered with the [Board of Studies NSW](#) for home schooling. Principals who are concerned about information provided to them by parents should request the name of the other school or evidence of home schooling so that a check can be made;
- the student has been expelled or excluded from the school in accordance with Diocesan policy;

4.12 If a student is of compulsory school age, and has been marked as 'absent' for a period exceeding 10 consecutive school days where the school is open for instruction, and there has been no communication with the school, the school should contact the Catholic Schools Office for advice on further action. Prior to reporting the matter, all appropriate checks should be made.

4.13 If a student is no longer of compulsory school age and has not attended school for more than 15 consecutive school days where the school is open for instruction, for reasons not known to the school, their whereabouts are unknown and the family has not responded to attempts by the school to communicate with them, the school should remove the student from the attendance register and report the matter to the Catholic Schools Office

4.14 If a student's name has been removed from the roll because 'their whereabouts are unknown', absences from the last day of attendance at school are not included as absences for statistical purposes. The roll should be amended to reflect this.

5 Enrolment and Attendance

5.1 Students may attend a NSW Catholic systemic school if they are:

- enrolled at that school or
- attending in the short-term.

5.2 Requirements and procedures for enrolling students in NSW Catholic systemic schools are located in the Diocesan Enrolment Policy.

5.3 Short-term attendance of students

5.3.1 Students may be enrolled in one school only at any given time. However, for a variety of reasons, a student enrolled at a NSW Catholic systemic school may need to attend another school for a short period of time.

5.3.2 Short-term attendance arrangements should not unduly disrupt programs in the host school. They should not result in any reorganisation of classes or timetables.

5.3.3 Prior to agreeing to the short-term attendance of a student, the principal of the host school should gather the necessary information to permit a risk assessment to be conducted. The objective of the assessment should be the maintenance of a safe learning environment for staff and students.

6 Supporting the Regular Attendance of Students at School

- 6.1 Parents are responsible for the regular attendance of students at school. Principals and school staff, in consultation with students and their parents, will usually be able to resolve problems of non-attendance. While parents should be reminded of their legal obligations under the **Education Act (1990)** the welfare of the student must be the focus of this consultation.
- 6.2 The most effective means of restoring and maintaining regular school attendance includes sound attendance monitoring practices and regular follow-up of unexplained absences by contacting parents promptly. Early telephone contact with parents is one means of achieving this.
- 6.3 Resolution of attendance difficulties may require a range of additional school based strategies including:
- student and parent interviews;
 - reviewing the appropriateness of the student's educational program;
 - development of a school-based attendance improvement plan;
 - referral to the school counsellor or outside agency;
 - support from school based personnel.
- 6.4 If a range of school based interventions has been unsuccessful, support may be requested by referring individual cases of unsatisfactory attendance to the Catholic Schools Office in the first instance, which then advises the Catholic Education Commission, NSW. The CEC,NSW manages the process of informing NSW DEC. Police officers are authorised to act as attendance officers under Section 122 of the Education Act (1990).
- 6.4.1 During school hours, an authorised person or police officer may approach a student who is apparently of compulsory school age, and who is apparently not in attendance at school. They may request the student's name and home address and the name and address of his/her school. They may approach a student who is accompanied by an adult.
- 6.4.2 A police officer or authorised person, in the company of a police officer may accompany the student to his or her home, or to the school, to verify the information provided.
- 6.4.3 Under this authorisation, police have no power of arrest, detention or physical restraint.
- 6.4.4 Police and Department of Education personnel conduct regular Joint Anti-Truancy initiatives (JATS) targeting truancy.

7 Common Leave Pass

- 7.1 Catholic system schools must implement a leave pass system for students who wish to leave school premises during normal school hours. The procedures for granting a leave pass to students are to be managed by the school.

8 Exemption from Attendance at School

- 8.1 In the case of students of [compulsory school age](#), applications for student leave can be considered as applications for exemption from school attendance.
- 8.1.1 Certificates of Exemption from the compulsory education requirements of the Act may be granted by a delegated officer (as identified in 8.1.2 below) when it has been clearly demonstrated by the applicant that an exemption is in the student's best interests in the short and long term and that alternatives to exemption have been considered. For example, in some cases, application for Distance Education may be more appropriate than seeking an exemption from school attendance.

- 8.1.2 Exemption should only be granted where conditions exist which make it necessary or desirable that a certificate of exemption be granted. Under Section 25 of the [Education Act \(1990\)](#), the Minister may grant a Certificate of Exemption. This power is delegated, subject to these Guidelines, to:
- Director of Schools, in relation to granting of an exemption from school attendance totalling up to and including 100 days in a 12 month period;
 - Principals, in relation to granting of an exemption from school attendance for periods totalling up to and including 100 days in a 12 month period for any one student.
- 8.1.3 Principals and Director of Schools may grant a certificate of exemption from enrolment at school to students under Section 25 for the sole purpose of completing their education through undertaking an apprenticeship or traineeship before they have completed Year 10. If such permission is granted, the principal should also grant a certificate of exemption from schooling subject to the completion of the contract of training.
- 8.1.4 The power to exempt students in Catholic systemic schools for periods of 101 or more in a 12 month period currently remains with the Minister. Applications should be forwarded through the Catholic Schools Office to the Catholic Education Commission, NSW.

Delegates cannot delegate this power.

9 Students Attending Lessons Outside School During School Hours

- 9.1 Involvement in private lessons, such as ballet and music classes, conducted outside the school during school hours may not be conducive to the effective operation of the school or to the education of the student concerned. Students' involvement in extra-curricular activities will usually be limited to outside school hours.
- 9.2 Where attendance at a private lesson during school hours is of exceptional importance such as sitting examinations, principals may use their discretion in justifying the absence. This provision must not be used on a regular basis.
- 9.3 If parents withdraw their children from school for private lessons when permission to do so has been refused, an unjustified absence should be recorded and dealt with in the usual manner.
- 9.4 This section of the document does not apply to School Certificate or Higher School Certificate courses conducted outside school or participation in work placement or TAFE based courses.

10 Appendices to Section A

10.1 Definitions

Parent Includes a carer or other person having the care or custody of a child or young person.

Unexplained absence A student absence where a parent provides no reason for a student's non-attendance.

Truancy The absence of a student from school without the knowledge or permission of their parent or carer.

Parent condoned absence When a parent or carer causes a student to be absent from school without acceptable reason.

Explained/justified absence A parent has provided an explanation of the student's absence which has been accepted by the principal.

Explained/unjustified absence A parent has provided an explanation of the student's absence which has not been accepted by the principal.

Unexplained/unjustified absence A parent has not provided an explanation of the student's absence within seven days of the occurrence of the absence.

[Compulsory School Age](#) (See Section 21B of the [Education Act \(1990\)](#))

10.2 Roll marking Symbols – Attendance Codes

<i>Note</i> The symbol X is to be used for the first and last day that the student attended for each term.	
Symbols to be used where students are absent from school	
Symbol	Meaning
a	The student was absent on that day.
Pa	The student was late or was absent for part of a day. The time of arrival or departure must be recorded.
Symbols to be used for explanation of student absence. Note following symbols should be recorded above the a or Pa symbol as appropriate.	
Symbol	Meaning
A	The student's absence is unexplained or unjustified. This symbol must be used if no notice has been provided by parents within seven days of the occurrence of the absence.
B	The student is absent from the school on official school business. This symbol is recorded where the principal approves the student leaving the school site to undertake: <ul style="list-style-type: none"> - work experience - school sport (regional and state carnivals) - school excursions.
E	The student was suspended from school.
F	Year 11 or 12 student participating in flexible timetable not present because they are not required to be at school; or Student who has completed Year 10 but is below the age of 17 years participating in: <ul style="list-style-type: none"> - approved education or training, or - if the child is of or above the age of 15 years-paid work or a combination of approved education or training and paid work.
H	The student is attending two or more education settings for a period of time (shared enrolment). This symbol is recorded where a student accesses a specialist educational setting on a sessional or full-time basis in line with Diocesan Policy. The symbol is recorded where a student accesses education settings separate to their mainstream school, such as: <ul style="list-style-type: none"> - tutorial centre and programs - behaviour schools - juvenile justice - hospital schools.

10.2 Roll marking Symbols – Attendance Codes (cont'd)

L	<p>Principals (2.2.7) may record up to 15 days in a school year for students of compulsory school age who have provided an explanation of the absence which has been accepted by the principal. Additional days for students not of compulsory school age may be recorded at the principal's discretion. This symbol is recorded where a student's absence is due to reasons accepted by the principal. This may be due to:</p> <ul style="list-style-type: none"> - misadventure or unforeseen event - participation in special events not related to the school - domestic necessity such as serious illness of an immediate family member - attendance at funerals - recognised religious festivals or ceremonial occasions.
M	The student was exempted from attending school. (See Section B – Exemptions from Attendance and Exemptions from Enrolment)
S	<p>The student's absence is due to sickness or as the result of a medical appointment. In these cases:</p> <ul style="list-style-type: none"> - a medical certificate is provided or - the absence was due to sickness and the principal accepts this explanation. Principals may request a medical certificate in addition to explanations if the explanation is doubted or the duration of the absence is more than four days.

10.3 Roll Marking Procedures

10.3.1 Class Rolls must always be marked accurately. Principals are required to maintain an attendance register (roll) in a form approved by the Minister (Education Act 1990 Section 24).

10.3.2 Teachers should be conversant with Diocesan/School Policies and Procedures.

10.3.3 Parents or carers should be informed that it is their responsibility to:

- ensure that their child attends school regularly
- explain the absences of their children from school promptly.

10.3.4 The first and last day of attendance each term should be marked with an 'X'.

10.3.5 The **exception method** (marking absences only) is to be followed as shown:

- place a lower case 'a' in the day's column against the name of the absent student at the time when the declaration of student attendance is made
- subsequently, when the declaration regarding the nature of leave is made, either **A, S, L, E, M, F, B** or **H** is written above the 'a', for example:

A	S	L	E	M	F	B	H
a	a	a	a	a	a	a	a

10.3.5 The exception method (marking absences only) is to be followed as shown
(contd)

The following entries should be made

- First and last day of attendance each term (see 4) _____ **X**
- Absence declared (absence included in absence return) _____ **a**
- Absence for part of a day _____ **Pa**
- Absence unexplained after 7 days or unjustified _____ **A**
- Absence on official school business
(absence not included in absence return) _____ **B**
- Absence due to suspension (absence included in absence return) _____ **E**
- Absence of a Year 11 or 12 student on approved flexible timetable or student who has completed Year 10 but is below the age of 17 years, participating in:
 - Approved education or training, or
 - if the child is of or above the age of 15 years-paid work or a combination of approved education or training and paid work
(absence not included in absence return) _____ **F**
- Absence from their mainstream school due to attendance at a specialist education setting (absence not included in absence return) _____ **H**
- Absence with leave – reason accepted by the principal
(absence included in absence return) _____ **L**
- Absence with approved exemption
(absence not included in absence return) _____ **M**
- Absence owing to sickness or as a result of medical appointment
(absence included in absence return). _____ **S**
- Public holidays and other days on which the school is not open for instruction are indicated by a vertical broken line in the column for that day.

10.3.6 No codes other than **a, A, S, L, E, P, M, F, B** or **H** are to be used in marking the roll.

10.3.7 The symbol '**B**' is used where a student is absent from the school site on official school business. This may include work experience, school sport (regional and state carnivals), and school excursions. **B** is **not** an absence code and is **not** be included in the absence return as an absence for statistical purposes

10.3.8 Absence of a Year 11 or 12 student on an approved flexible timetable must be recorded in the same manner as other students. However, scheduled days or periods of non-attendance must not be marked as absences. An **F** should be recorded for the day.

10.3.9 Under Section 25 of the *Education Act 1990*, the Minister may grant a Certificate of Exemption. This power is delegated, subject to *Guidelines for Exemption from Attendance at NSW Catholic Systemic Schools*, to principals, in relation to granting of an exemption from school attendance for periods totalling up to 50 days in a 12 month period for any one student. An **M** should be recorded for the day.

10.3.10 Absences on an occasion (ie. part of a day) or unjustified lateness or fractional truancy is shown by placing '**P**' next to '**a**' in the day's column against the name of the student when the absence is determined. When the reason for the part absence is determined, either **A, S, L, E, M** or **B** is to be placed above the '**a**', for example:

A	S	L	E	M	B
Pa	Pa	Pa	Pa	Pa	Pa

- 10.3.10 *(cont'd)*
Details of partial Absences ie. times and dates are to be recorded in the “Details of Absences on Occasions” which follows the Term 4 section of the hard-copy roll book. Electronic rolls should be designed to accommodate comments re details of partial absences. Partial absences are not included in tallies of absence returns.
- 10.3.11 The number of absences for each student are to be counted and recorded at the end of each term. Exemptions (**M**), flexible timetable (**F**), official school business (**B**), absence from home school due to attendance at a specialist education setting (**H**) and partial absences (**Pa**) are **not** to be included in tallies and Absence Returns.
- 10.3.12 There should be a section in the roll headed ‘Special notes’. Comments such as ‘speech therapy Tuesdays’ or ‘medical history – no exertion’ may be made, should be inserted in this section. Confidential notations should not be included.
- 10.3.13 One of three methods may be used to keep a record of attendance. This then becomes the attendance register.
- i. The class roll marked by the teacher in the classroom each day.
 - ii. The teacher enters the names of absent students on a form with the information being transcribed to a centrally located Attendance Register.
 - iii. Absence recording within the student data management system.
- 10.3.14 The Attendance Register must be available for inspection during school hours by a Board inspector or by any authorised person, who may require the principal of the school to furnish a copy of the register or any part of it. {Education Act 1990 Section 24 (2)}

Section B

Exemptions from Attendance and Exemptions from Enrolment

11 Exemptions from Attendance at School

11.1 General Principles

- 11.1.1 This section applies to students of compulsory school age who are enrolled at school where an exemption is sought from the legal requirement to attend school. Refer to Statement 12. Exemptions from Enrolment at School.
- 11.1.2 It is the duty of the State to ensure that every child receives an education of the highest quality and it is the duty of parents to comply with the compulsory education requirements of the [Education Act 1990](#).
- 11.1.3 Certificates of Exemption from the compulsory education requirements of the Act may be granted by a delegated officer (as identified in [11.1.10 below](#)) when it has been clearly demonstrated by the applicant that an exemption is in the student's best interests in the short and long term and that alternatives to exemption have been considered. For example, in some cases, application for Distance Education may be more appropriate than seeking an exemption from school attendance.
- 11.1.4 Procedural fairness must be accorded to an applicant for an exemption.
- 11.1.5 Generally, Certificates of Exemption should not be approved in the case of students who have been the subject of a Community Services report or Child Wellbeing Unit report and for whom unresolved issues concerning a risk of harm remain. A risk assessment should be conducted to identify and manage the issues.
- 11.1.6 Where the delegate is aware of existing child protection concerns, (including where it may be in the child's best interests to grant the exemption) the Director of Schools should be consulted.
- 11.1.7 Applications for exemption from school attendance must be made in writing (Refer to Part 20 Appendices). In exceptional circumstances, an oral request can be made to the school principal, seeking assistance in completing an application for exemption from school attendance.
- 11.1.8 In the case of students of compulsory school age who are enrolled in a school, applications for exemption from school attendance must be submitted in advance.
- 11.1.9 Exemptions from school attendance cannot be granted retrospectively under these Guidelines.
- 11.1.10 Under Section 25 of the [Education Act 1990](#), the Minister may grant a Certificate of Exemption. This power is delegated, subject to these Guidelines, to:
- Director of Schools, in relation to granting of an exemption from school attendance totalling up to and including 100 days in a 12 month period
 - Principals, in relation to granting of an exemption from school attendance for periods totalling up to and including 100 days in a 12 month period for any one student.
- Delegates cannot delegate this power.**
- The power to exempt students in Catholic systemic schools for periods of 101 days or more in a 12 month period currently remains with the Minister. Applications should be forwarded through the Catholic Schools Office to the Catholic Education Commission, NSW.
- 11.1.11 A delegate can refer the granting of an exemption to a more senior delegate where they identify circumstances that may make this more appropriate but cannot delegate this power to a less senior delegate.
- 11.1.12 Exemption from school attendance should only be granted where conditions exist which make it necessary or desirable in the view of the Minister or delegate, that a Certificate of Exemption be granted.
- 11.1.13 If there is any case where there are circumstances that may not be considered by these Guidelines, and there appears to be an arguable interest of the child in the granting of an exemption but that such an exemption would appear to be prevented by these Guidelines, the case should be referred to the Director of

Schools for consideration.

- 11.1.14 A delegate can cancel the Certificate of Exemption where they identify circumstances that they believe warrant this action. For example, where the conditions attached to the exemption are not being met.
- 11.1.15 If an applicant wishes to appeal against a decision made by the delegate, the appeal would go to the delegate above the decision maker.
- 11.1.16 In these Guidelines, the term 'parent' or 'parents' includes any person or persons having the custody or care of the child.

11.2 Reasons for Granting Full Day Exemptions from Attendance at School

- 11.2.1 Principals and the Director of Schools may grant exemptions due to:
 - exceptional domestic circumstances, including but not limited to participation in family holidays during school term subject to being satisfied that this is in the best educational interests of the child
 - other exceptional circumstances such as health of the student where sick leave or alternative enrolment is not appropriate
 - employment in the entertainment industry or participation in elite sporting events for short periods of time ie. for one or two days, and at short notice, but not amounting to 101 days or more in a 12 month period.

For any other matter, the principal must consult a senior officer of the Diocese.

- 11.2.2 The [attendance register](#) must indicate full day exemptions with the code **M**.

11.3 Reasons for Granting Part Day Exemptions from Attendance at School

- 11.3.1 Section 25 (2A) of the [Education Act 1990](#) gives the Minister the power to grant a certificate of exemption from the requirement to attend a school during the times specified in the certificate.
- 11.3.2 From time to time students of compulsory school age may participate in school-based individual student programs which include programs that incorporate behaviour management plans to re-engage students with education. In such cases, the parent's agreement to their child's participation in the program, by signature, constitutes an application for part day attendance at school. It is not necessary to complete a separate application for exemption from attendance at school form.
- 11.3.3 Students of compulsory school age participating in such programs may be granted full or part day exemptions for periods of time not exceeding the equivalent number of full school days provided for within the delegate's power.
- 11.3.4 Participation in such alternative education programs must be approved by the Director of Schools, prior to exemption being granted.
- 11.3.5 The attendance register must indicate part day exemptions with the code **M**.

11.4 Conditions Attached to Exemptions from Attendance at School

- 11.4.1 [Certificates of Exemption](#) issued by Director of Schools and Principals must:
 - include the specific conditions that apply to the exemption
 - state that the exemption may be cancelled if these conditions cease apply
 - specify a period for which the exemption had been granted
- 11.4.2 The original Certificate of Exemption should be provided to the parents.
- 11.4.3 A copy of the Certificate of Exemption must be filed in the student's record file.
- 11.4.4 The delegate should retain a copy of the signed Certificate of Exemption in the delegate's official records.

12 Exemption from Enrolment at School

12.1 General Principles

- 12.1.1 This section applies to children of compulsory school age where an exemption is sought from the legal requirement to enrol at and attend school.
- 12.1.2 It is the duty of the State to ensure that every child receives an education of the highest quality and it is the duty of parents to comply with the compulsory education requirements of the [Education Act 1990](#).
- 12.1.3 In the case of parents of children of compulsory school age seeking authority not to enrol, this must be considered as an application for exemption from school enrolment. Under Section 25 of the [Education Act 1990](#), the Minister may grant a certificate of exemption.
- 12.1.4 Applications for exemption from enrolment at school must be made in writing (Appendix B, Form B8). In exceptional circumstances, an oral request can be made to the school principal, seeking assistance on completing an application for exemption from school enrolment.
- 12.1.5 Procedural fairness will be accorded to an applicant for an exemption. If the delegate is considering refusing to grant an exemption, the parent/caregiver should be given an opportunity to respond to the delegate's concerns before a final decision is made. This opportunity should be offered to the parent/caregiver in writing.
- 12.1.6 Under Section 25 of the [Education Act 1990](#), the Minister may grant a Certificate of Exemption from enrolment at school. This power is delegated, subject to these Guidelines, to Director of Schools, in relation to granting of an exemption from enrolment at school totalling up to and including 100 days in a twelve month period.
- The power to exempt students in Catholic systemic schools for periods of 101 days or more in a 12 month period currently remains with the Minister. Applications should be forwarded through the diocesan office to the Catholic Education Commission, NSW.
- 12.1.7 The Director-General of the NSW Department of Education and Communities is delegated the power to exercise all the Minister's powers under Section 25 without limitation.
- 12.1.8 Exemption from enrolment should only be granted where conditions exist which make it necessary or desirable in the view of the Minister or delegate that a Certificate of Exemption be granted.
- 12.1.9 If there is any case, where there are circumstances that may not be considered by these Guidelines and an exemption appears to be in the best interests of the child, the case should be referred to the Director-General for consideration. This may be done through the Catholic Schools Office.

12.2 Reasons for Granting Exemptions from Enrolment at School

- 12.2.1 Director of Schools may grant such exemptions (for up to 100 days in a 12-month period) due to:
- age, where a child turns six years on or after 1 October and is engaged in:
 - full time preschool education at an accredited preschool for the remainder of that school year
 - participation in full or part-time accredited preschool programs for students with disabilities leading to enrolment and full time attendance at a government or registered non-government school not later than six months after the child's sixth birthday.
 - the health or disability of a child necessitating the continuation of an individual program supported by medical specialists not longer than six months after the child's sixth birthday.

12.2.1 (cont'd)

Where children are expected to enrol in Kindergarten following the period of exemption from enrolment, they may be involved in a transition-to-school program as a condition of their exemption.

The delegate may, for the purpose of establishing a child's eligibility for an exemption based on full time preschool attendance, require proof of enrolment or participation in the preschool.

The delegate may, for the purpose of establishing a child's eligibility for an exemption on the ground of health or disability, require a statement in support of the exemption from the child's medical specialist.

12.2.2 Under Section 21B of the Education Act, Secondary Principals and Director of Schools may grant exemptions from enrolment in school to students of compulsory school age, provided they have completed Year 9 secondary education and approval has been given to their entering a **full time apprenticeship or traineeship** before they have completed Year 10 see Part 19 of Section C - [Completion of Education Under Special Circumstances](#) for further information. Such exemptions will only be granted to a student where the:

- principal considers that, in all the circumstances, the student is a suitable candidate to complete his or her education through an apprenticeship or traineeship;
- student's parents give permission for this to occur;
- principal has sighted a full time apprenticeship or traineeship contract signed by the employer and a NSW Apprenticeship/Traineeship -Training Proposal authorised by the Registered Training Organisation;
- employer agrees to notify the Diocesan Catholic Schools Office (through the Principal) if the apprenticeship or traineeship is abandoned before the student turns 17. If the apprenticeship or traineeship is abandoned before the student turns 17, he or she will not have completed Year 10 and will be legally required to do so under another pathway of the Act (for example by returning to school or seeking enrolment in TAFE NSW);
- the apprenticeship or traineeship is subsequently approved by the Commissioner for Vocational Training, State Training Services as suitable for the young person and the training contract attains 'registered' status following the probationary period. (Where approval is granted by the Principal and the Commissioner subsequently notifies the student of his or her decision not to approve the contract following the probationary period, the approval and the exemption from compulsory schooling cease from that point to operate, and the student's parents must take steps to comply with their compulsory schooling obligations).

12.2.3 Refer to Form B9 - Checklist for Approval of a Student to Complete Year 10 of a Secondary Education by Undertaking a Full-time Apprenticeship or Traineeship.

12.3 Conditions Attached to Exemptions from Enrolment at School

12.3.1 Certificates of Exemption from enrolment must:

- include any specific conditions that apply to the exemption;
- state that the exemption may be cancelled if any such conditions are not met;
- specify a period for which the exemption had been granted

12.3.2 The original Certificates of Exemption will be provided to the parents. A copy of the Certificate of Exemption will be provided to the school on subsequent enrolment and must be attached to the student's record card. A copy of the signed Certificate of Exemption will be retained by the designated CSO officer.

13 Section B Forms are available on the SCO Intranet / Policies / Student Attendance / List A

- B1 Application for Exemption from Attendance at School (General)
- B2 Exemption from Attendance at School for Employment in the Entertainment Industry – Information
- B3 Application for Exemption from Attendance at School for Employment in the Entertainment Industry
- B4 Exemption from Attendance at School for Participatin in Accredited Elite Sports Programs – Information
- B5 Application for Exemption from Attendance at School for Participation in accredited Elite Sports Programs
- B6 Certificate for Exemption from Attendance at School
- B7 Application for Exemption from Enrolment at School for reasons other than completion of a Full-Time Apprenticeship or Traineeship
- B8 Certificate for Exemption from Enrolment at School
- B9 Checklist for Approval of a Student to Complete Year 10 of Secondary Education by Undertaking a Full-Time Apprenticeship or Traineeship
- B10 Application for Exemption from Enrolment at School for purpose of Undertaking a Full Time Apprenticeship or Traineeship
- B11 New South Wales Apprenticeship/Traineeship Training Plan Proposal
- B12 Certificate of Exemption from Enrolment at School for use by Principals granting an Extension to undertake a Full Time Apprenticeship/Traineeship.



Section C

Completion of Education under Special Circumstances

14 General Principles

- 14.1 It is the duty of the State to ensure that every child receives an education of the highest quality and it is the duty of parents and caregivers to comply with the compulsory education requirements of the Education Act 1990.
- 14.2 A child between the age of 6 and 17 may leave school only after they have completed Year 10 of secondary education. One of the ways of completing Year 10 of secondary education is to complete education through a special circumstance approved by the Minister for Education and Training.
- 14.3 Completion of Year 10 of Secondary education is defined as
- completion of Year 10 through secondary school or home schooling; or
 - completion of a course of education provided by the TAFE NSW Commission and approved by the Minister for Education and Training as the equivalent of Year 10 of secondary education in NSW (refer to Form C3 - Approval to Undertake the equivalent of Year 10 of secondary education at TAFE NSW); or
 - outside of NSW, completion of the equivalent of Year 10 of secondary education in this State.
- 14.4 Completion of Year 10 outside of these circumstances is defined at a special circumstance for the purpose of these guidelines. **Approval of Completion of Education under Special Circumstances** may be granted by a delegated officer (as identified in 15.1 below) subject to the guidelines that follow.

15 Delegation of authority to grant Approval of Completion of Education under Special Circumstances

- 15.1 Under Section 21B 5(d) of the *Education Act 1990*, the Minister may grant **Approval of Completion of Education under Special Circumstances**. This power is delegated, subject to these guidelines, to the following officers in the NSW Department of Education and Communities
- The Deputy Director-General, Schools
 - General Manager Access and Equity
 - Regional Directors.
- 15.2 TAFE NSW Institute Directors should approve any program that includes a TAFE delivery component.
- 15.3 In addition, the Director-General is delegated the authority to exercise the Minister's powers under Section 21B 5(d) without limitation.

16 Reasons for granting Approval of Completion of Education under Special Circumstances

- 16.1 The Minister's delegate may grant approval if he or she is satisfied that
- a. the applicant has demonstrated that he or she could not complete Year 10 of secondary education by any of the means set out in Section 14.3;
 - b. the program of education that has been undertaken by the young person, including the outcomes that have been achieved, amounts to an adequate basis for regarding the student's school education as complete in the special circumstances of the case.

17 Process prior to granting Approval of Completion of Education under Special Circumstances

- 17.1 It is not possible to specify all the potential cases for which approval to complete education in special circumstances may be warranted. Generally, given the range of options for completion of education that exists in the Act, it should be regarded as a rarely exercised power. It is important that any such decision takes into account the objects of the *Education Act 1990*, and in particular the duty of the State to ensure every child receives an education of the highest quality. It should also take into account the objects of the *Children and Young Persons (Care and Protection) Act 1997*, so as to ensure a child is not subject to educational neglect. Moreover, it is not possible to use this power to allow a child not to be educated. (If there are circumstances that warranted such a decision, that case should be dealt with as an “exemption” from the requirements of the Act under Section 25).
- 17.2 Approval for special circumstance completion of secondary education is granted only when the relevant education, equivalent to the completion of Year 10 secondary education, is finished. Where practicable the student and his or her parents or caregivers should be made aware in advance of what the student needs to do for his or her education to be approved under 21B (5) (d).
- 17.3 Where a young person has undertaken and completed education in circumstances not otherwise covered by the Act, the following process will apply. The student will provide to the delegated officer
- a statement of detailed evidence of each individual subject or course studied and completed and the result or grade achieved;
 - the original certificate of any educational qualification achieved as a result of this course of study; and
 - a statement of record of attendance during the period of study.
- 17.4 An applicant is to be provided
- information regarding how decisions are made about applications under 21B (5)(d) and the consequences that flow from those decisions; and
 - an opportunity to prove to the delegate that the student has completed his or her education as a ‘special circumstance’ in accordance with Section 21B (5)(d) of the Education Act 1990.
- The delegate who makes the decision must be impartial and unbiased.
- 17.5 Applications for **Approval of Completion of Education under Special Circumstances** must be made in writing, with relevant documentary evidence provided.

18 Conditions attached to Approval of Completion of Education under Special Circumstances

- 18.1 The original of the approval of completion of education under special circumstances will be provided to the parents or caregivers of the student or to the student if he or she is living independently.
- 18.2 The delegate should retain a signed copy of the Approval of Completion of Education under Special Circumstances in the delegate’s official records.

19 Completion of Education by completion of an apprenticeship or traineeship

- 19.1 The Minister has granted approval under Section 21B (5) (d) for completion of an apprenticeship or traineeship subject to the permission outlined below to be a special circumstance for the completion of education.

- 19.2 The following requirements must be met for permission to be granted to a student to undertake an apprenticeship or traineeship as the completion of their education
- 19.2.1 The student has completed Year 9.
 - 19.2.2 The principal considers that, in all the circumstances, the student is a suitable candidate to complete his or her education through an apprenticeship or traineeship.
 - 19.2.3 The student's parents give permission for this to occur.
 - 19.2.4 The principal has sighted a full time apprenticeship or traineeship contract signed by the employer and a NSW Apprenticeship/Traineeship – Training Proposal authorised by the Registered Training Organisation.
 - 19.2.5 The employer agrees to notify the principal if the apprenticeship or traineeship is abandoned or cancelled before the student turns 17. If the student does not complete the apprenticeship or traineeship, he or she will not have completed Year 10 and will be legally required to do so under another pathway of the Act (for example by returning to school or seeking enrolment in TAFE NSW).
 - 19.2.6 The apprenticeship or traineeship is subsequently approved by the Commissioner for Vocational Training, State Training Services as suitable for the young person and that the training contract attains a 'registered' status following the probationary period. (Where approval is granted by the principal and the Commissioner subsequently notifies the student of his or her decision not to approve of the contract following the probationary period, the approval, and the exemption from compulsory schooling, ceases from that point to operate, and the student's parents must take other steps to comply with their compulsory schooling obligations).
- 19.3 Where a student wishes to complete their education by undertaking an apprenticeship or traineeship, the student and his or her parent or caregiver should speak initially with the principal of the school at which the student is currently enrolled. At this meeting the reasons for undertaking the apprenticeship or traineeship should be discussed. The parent or caregiver and the student should be advised that should the training arrangement cease, the young person must still satisfy compulsory schooling requirements. Only if the principal is satisfied that the applicants understand the requirements and the conditions should he or she give permission for the process.
- 19.4 The Minister has delegated to secondary principals the power to grant a certificate of exemption from attending school under Section 25 for the sole purpose of completing their education through undertaking an apprenticeship or traineeship. If the principal grants permission to the student to undertake the apprenticeship or traineeship, he or she should also grant a certificate of exemption from enrolment at school subject to the completion of the contract of training.
- 19.5 In such cases, the secondary principal can approve the student's Application for Exemption from Enrolment at School, to continue education as a full time contracted apprentice or trainee. (Please note Exemptions cannot be granted retrospectively). See *Section B Exemptions from Attendance and Exemptions from Enrolment (Part 12.2.2.)*.
- 19.6 Where a student has completed the apprenticeship or traineeship for which he or she has been given the permission required by 18.2 above, he or she will have completed year 10 of secondary education for the purpose of Section 21B (5) of the Education Act.

20 Section C Forms are available on the SCO Intranet / Policies / Student Attendance / List A

- C1 Application for Approval of Completion of Education under Special Circumstances
- C2 Approval to Complete Education under Special Circumstances
- C3 Approval to Undertake the Equivalent of Year 10 of Secondary Education at TAFE NSW
https://www.det.nsw.edu.au/policies/student_admin/enrolment/pathways/approve.pdf

Section D

Compulsory School Attendance

21 Legal Action Guidelines

21.1 Context

All children from [six years of age and under the minimum school leaving age of 17](#) are legally required to attend school. [Parents of compulsory school aged children](#) have a duty to ensure that their child is enrolled at and attends a government school or registered non-government school, or is registered for home schooling. (*Education Act 1990*)

All New South Wales students must complete Year 10. After Year 10 and until they turn 17 years of age students must be in a school or registered for home schooling, or full-time in

- further education and training (e.g. TAFE, traineeship, apprenticeship);
- full-time, paid employment of an average 25 hours per week; or
- a combination of both of the above.

In 2010 there were changes to the *Children and Young Persons (Care and Protection) Act 1998* that identified children and young people who **habitually did not attend school** or who were **not enrolled** as reasons to make a report to Community Services (CS) under *Education Neglect (Section 23 (b) 1)*.

Habitual non attendance can be described notionally as 30 unjustified/unexplained days out of 100 days. Care must be taken with this description as other risk factors may impact on the requirement to report.

21.2 Keep Them Safe A shared approach to child wellbeing

Provides the framework for parents, communities, government and non-government agencies to work together to support children and families. See <http://www.keepthemsafe.nsw.gov.au/>

Anyone who has reasonable grounds to suspect a child or young person is at risk of significant harm and has current concerns about the safety, welfare or wellbeing of the child or young person should make a report to the Child Protection Helpline.

Where concerns of harm do not meet the significant harm threshold, the referring agency should offer and coordinate assistance or make a referral to other services, using normal referral networks.

To help reporters decide whether a case needs to be reported to the Child Protection Helpline, mandatory and non-mandatory reporters may access advice via the [NSW Mandatory Reporter Guide](#).

21.3 What are some of the provisions in the Education Act 1990 (“the Act”)?

- Section 22A Obtaining information about children of [compulsory school-age](#)
 - (1) Any [relevant institution](#) or other person may provide information to the Department of Education and Training solely for the purpose of assisting the [Director-General](#) to ascertain
 - (a) *the age, identity or whereabouts of a child who is not receiving [compulsory schooling](#)* or who is not participating in education, training or paid work as an alternative to receiving [compulsory schooling](#), and
 - (b) the reasons why the child is not receiving that [schooling](#) or not so participating.

21.4 Dealing with students for whom school based strategies have failed to restore regular school attendance

21.4.1 Principals help to ensure the safety, welfare and wellbeing of students. Where schools have tried a range of strategies to address a student’s habitual non attendance other options are available. Prior to 2010, the only legal option available to enforce school attendance was prosecution in the Local Court, resulting in the imposition of a fine and/or a community service order. Legislation that came into effect in early 2010 gives greater flexibility in proactively dealing with cases of habitual absence. It is hoped that the majority of non-attendance matters will be resolved through pre-court process such as those set out below. Please note, in reading the information below, one process does not necessarily

follow another. Some actions may occur concurrently.

21.4.2 Compulsory schooling undertakings

The Principal may make schooling arrangements with one or more parents or carers of a child that includes a written 'undertaking' by the parent/s or carer/s with respect to compulsory schooling for the child (a "Compulsory Schooling Undertaking").

The arrangements may be made before, during or after a conference. A compulsory schooling undertaking is admissible in evidence.

Undertakings deal with specific issues contributing to the habitual absence. Examples may include that

- the parent will turn off the child's computer game at a certain time each night
- an alarm clock will be used and the child will be out of bed at a set time
- the parent will attend drug and alcohol counselling sessions.

Signed undertakings should be kept by the school and a copy provided to the parent or carer.

21.4.3 Compulsory School Attendance Conference

A principal component of the new attendance procedures has been a greater emphasis on conferences involving families and Departmental student welfare officers. These conferences aim to address the underlying causes of poor school attendance. Conferences can take place at both the pre-legal stage, when convened by the Director-General, and at the initial stages of the legal process when ordered by the Children's Court. Conferences are conducted by an authorised person appointed by the Director-General or the Children's Court.

Conferences are convened with the family and school. They seek to identify the cause of non-attendance and develop strategies to improve attendance. Representatives of other relevant agencies or relevant community groups who can assist in improving attendance can also be invited to attend and assist.

Note - It is anticipated that a significant number of matters will have been subject to a Director-General's conference prior to reaching the Court. However this will not always be the case.

- In cases where parents have refused to attend a conference, it is anticipated that the Application to the Children's Court will, in addition to seeking a Compulsory Schooling Order, also seek an order that the parent attend a conference.

Principals seeking to initiate a Compulsory School Attendance Conference should do so by contacting their Schools Consultant who will refer the matter to the appropriate authority.

21.4.4 Action in the Children's Court

If other options have not been successful or are not appropriate, it may prove necessary to seek intervention of the court. In cases involving older children, aged twelve and above, where it is clearly established that the poor school attendance is not the fault of the parent, an application involving the child alone may be commenced. The proceedings in the Children's Court are less formal than the prosecutions in the Local Court. This has allowed older children to attend the Court with their parents.

Applications to the Children's Court will be conducted by a member of the regional welfare team who, for the purposes of the applying to the Children's Court will be referred to as the "Attendance Officer". All court appearances will be undertaken by a Legal officer or a local solicitor who has been engaged by the relevant legal officer.

Where the Principal deems it appropriate to refer a case to the Children's Court for further action, they should first refer the matter to their Schools Consultant. If a decision is made to proceed with the referral, Form D1 in Appendix D should be used.

21.4.4 (cont'd)

*The court may order the parent to attend a conference and/or issue an interim **Compulsory Schooling Order**. An interim order requires the parent to ensure that the child is enrolled at and attending school.*

Compulsory Schooling Orders can either be quite general in nature, for example an order that a parent engage with relevant Departmental staff, or that they attend a conference. Alternately orders can also be reasonably involved and comprise numerous components, such as an order to attend drug and alcohol counselling, and/or have a child medically assessed by a particular medical practitioner.

21.4.5 Prosecution in the Local Court

Where parents continue to fail to see that their children are enrolled and attending school, the matter may be taken to a Local Court. Such measures are in place to ensure that all children of compulsory school age receive the education they deserve.

This action can only be taken by, or with the written consent of, the Director-General. The Department of Education and Communities Legal Services Directorate will act on behalf of both government and non-government schools.

An action for breach of a Compulsory Schooling Order issued in the Children's Court must be undertaken in the Local Court, with penalties for these offences attracting a possible fine of 100 penalty units.

Note In general, only matters which have either been the subject of an application to the Children's Court, or where a conviction has previously taken place will be considered for prosecution. In exceptional circumstances consideration will be given to proceeding to a prosecution without first applying to the Children's Court. Such matters should be discussed with the Senior Legal Officer managing the school attendance practice.

22 Section D are available on the SCO Intranet / Policies / Student Attendance / List A

- D1 Proposed School Action for the Management of Habitual Non-Attendance
- D2 Referral Form to Legal Services for Consideration of Further Action
- D3 Non-Government Schools Actions; Enrolment Status of Students un-known
- D4 Compulsory School Attendance Information for Government and Non-Government Agencies
- D5 Compulsory School Attendance Information for parents