

# SCHOOL ATTENDANCE GUIDELINES

## GUIDE FOR SCHOOLS AND SCHOOL ATTENDANCE OFFICERS

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## INTRODUCTION

The school attendance guidelines:

- apply to all registered schools in Victoria (including non-government schools), parents of compulsory school-aged children, and School Attendance Officers
- support schools and School Attendance Officers to meet their responsibilities and duties under the *Education and Training Reform Act 2006*, *Education and Training Reform Regulations 2007* and *Education and Training Reform (School Attendance) Regulations 2013*.

The guidelines include:

- strategies to encourage high levels of school attendance and how to improve attendance where an issue is identified
- an explanation of the legal requirements of school-age children to attend school, and the processes required to excuse or exempt their attendance
- procedures for schools to record, excuse, monitor and follow up student attendance in order to meet the requirements of the *Education and Training Reform Act 2006*, *Education and Training Reform Regulations 2007* and *Education and Training Reform (School Attendance) Regulations 2013*.
- an explanation of the procedures a School Attendance Officer will follow as required by the *Education and Training Reform Act 2006*, *Education and Training Reform Regulations 2007* and *Education and Training Reform (School Attendance) Regulations 2013*.
- advice for School Attendance Officers to aid their decision making when a parent has not met their obligations.

### Note:

Terms in this document have the same definition as in the *Education and Training Reform Act 2006*. Thus, unless specifically defined otherwise, the term “parent” includes a guardian and every person who has parental responsibility for the child including parental responsibility under the Family Law Act of the Commonwealth and any person with whom a child normally or regularly resides”.

## THE IMPORTANCE OF FULL TIME ATTENDANCE

Schooling is compulsory for children and young people aged from 6 – 17 years unless an exemption from attendance or enrolment has been granted.

Daily school attendance is important for all children and young people to succeed in education and to ensure they don't fall behind both socially and developmentally. Children and young people who regularly attend school and complete Year 12 or an equivalent qualification have better health outcomes, better employment outcomes, and higher incomes across their lives. It is important that children develop habits of regular attendance at an early age.



School participation is important as it maximises life opportunities for children and young people by providing them with education and support networks. School helps people to develop important skills, knowledge and values which set them up for further learning and participation in their community.

Conversely, limited school participation is associated with a greater chance of dropping out of school, disruptive and delinquent behaviour and may lead to a cycle of rebellion against authority. These outcomes have later implications for employment, a range of health risk behaviours (drug and alcohol abuse), homelessness, poverty, welfare dependence, and involvement in the justice system. For more information, see: [Student Attendance and Educational Outcomes: Every Day Counts](#)

It is acknowledged that for some children and young people mainstream school environments may not always be the most appropriate settings. For the purpose of this document, participation in an approved re-engagement program is considered attendance at school. For more information, see: [Re-engagement Programs](#)

Students are expected to attend the school in which they are enrolled, during normal school hours every day of each term, unless:

- there is an approved exemption from school attendance for the student, or
- the student is registered for home schooling and has only a partial enrolment in a school for particular activities.

A student is considered to be in attendance at school when involved in an offsite curriculum program or other activity organised by the school (for example an excursion or camp), or where the student is engaged in a re-engagement program or another school part time to make up full time attendance and the schools or settings have agreed the time fractions, allocation of Student Resource Package (or other funding) and the educational plan for the student.

Home schooling in Victoria is a legally recognised alternative to attending a registered school. Parents who wish to home school their child must satisfy the requirements of the Victorian Regulation and Qualifications Authority. For more information, see: [Home Schooling](#)

## SCHOOL SUPPORT FOR FULL ATTENDANCE

Victorian Government schools are required to provide active support (including targeted responses and effective intervention strategies) for full student attendance and retention until the completion of Year 12 or its equivalent and respond to individual student circumstances when regular attendance is not consistent.

Whilst ensuring student attendance at school is a legal obligation of parents, supporting students to attend school each day is the shared responsibility of all parents, students, the school and the wider community.

This responsibility should be underpinned by shared understandings and expectations about the procedures for the promotion, monitoring and follow-up of student attendance.

All Government schools are required to develop a Student Engagement Policy which articulates the school community's shared expectations in the areas of student engagement, attendance and behaviour, and outlines a series of processes, actions and consequences when regular attendance is not consistent.



## WHOLE-SCHOOL STRATEGIES TO PROMOTE ATTENDANCE

Whole-school strategies and clear understandings of processes are important for promoting attendance. Principals and all school staff play an important role in developing and reinforcing clear understandings of the shared expectations for attendance amongst schools, students and parents.

Principals are responsible for communicating these expectations to parents and students when they enrol at the school, and for regularly communicating with all parents about attendance issues.

Schools can promote and maintain high levels of student attendance and participation through developing whole school strategies. A clear whole-school strategy should:

### **Articulate high expectations to all members of the school community by:**

- regularly communicating with parents about expectations for attendance
- promoting awareness that absence results in quantifiable lost learning time and opportunities
- modelling punctuality across the whole school.

### **Create safe, supportive learning environments where all students experience success through active participation and engagement in purposeful learning by:**

- developing collaborative and empowering relationships between teachers, students and parents
- implementing effective and supportive transition programs, including student transitions between different learning areas and levels within the school, and pathways and careers support programs
- developing class and home group structures and environments that enable opportunities for increased connectedness to individual teachers and peers
- encouraging parents to get involved in the life of the school
- immediately following-up any problems identified by students and parents in a transparent manner.

### **Adopt consistent, rigorous procedures to monitor and record student absence by:**

- immediately following-up individual student absences
- correctly using student attendance data management systems (e.g. CASES21, eCASES)
- delegating responsibilities to all staff, with a key member of staff leading attendance improvement initiatives.

### **Implement data-driven attendance improvement strategies, for example:**

- monitoring and analysing school attendance records regularly and using tools for early identification of students at risk of poor attendance (such as the Student Mapping Tool)
- regularly discussing student attendance records in staff meetings and in the staff performance and development review process.

**Provide early identification of and supportive intervention for students at risk of poor attendance by:**

- understanding the causal factors of absence and the need for targeted interventions
- providing out-of-school programs, including breakfast, homework and walking bus clubs
- utilising the Student Mapping Tool or similar early identification strategy.

**Link with local community groups and agencies to maximise program and individual support by:**

- collaborating with other schools, community groups and agencies.

**Access specialist support for individual students with identified behavioural, health, or social issues by:**

- utilising Student Support Services or external community services where appropriate

**Provide a staged response to non-attendance by:**

- focusing on prevention and early intervention by creating a positive school culture
- intervening and providing targeted responses for individual students .

**Support students to return to school after absences through:**

- setting individual student attendance goals and data-driven improvement plans
- formal procedures for supporting the learning of a student absent for an extended period
- positive and flexible support and follow-up with students on their return to school, including the use of Return to School Plans and modification of learning outcomes where required.

## SCHOOL-BASED WELLBEING WORKFORCES

Student wellbeing staff can assist to address attendance issues, particularly if they participate in teams to develop policies and strategies to optimise attendance and to prevent student disengagement.

### Student Support Services

Student Support Services are available in Victorian Government schools to assist children and young people, facing a range of barriers to learning, to achieve their educational and developmental potential through the provision of strategies and specialised support at individual, group, school and network levels.

Student Support Services comprise a broad range of professionals including psychologists, guidance officers, speech pathologists, social workers and visiting teachers. Student Support Services officers work as part of an integrated health and wellbeing team within networks of schools, focusing on providing group based and individual support, workforce capacity building and specialised services.

### Koorie Engagement Support Officers

Koorie Engagement Support Officers assist in building communication links with parents to facilitate an increased awareness of school policy, encourage greater communication between parents and teachers and promote more parental involvement in school community activities and school decision making.



They can also provide expert advice to school communities and kindergartens about models of effective support for Koorie children and young people.

### **Primary Welfare Officers**

The Primary Welfare Officer initiative is designed to enhance the capacity of schools to develop positive school cultures and to support students who are at risk of disengaging and not achieving their educational potential.

Primary Welfare Officers promote a whole school approach to health and wellbeing within the school community and work in collaboration with students and parents, school staff including principals, teachers, aides, specialist staff, nurses and Student Support Services officers and with broader community agencies. Eligible schools are provided with funding to employ a Primary Welfare Officer, which may be an existing staff member, or new staff member.

### **Student Welfare Coordinators**

Student Welfare Coordinators work with other welfare professionals and agencies to address student needs. The role of the student welfare coordinator (SWC) is vital in responding to the needs of Victoria's young people. They are responsible for helping students handle issues such as truancy, bullying, drug use and depression.

## **COMMUNITY PARTNERSHIPS**

Community expectations can play a significant role in school attendance. Linking to the local community can give schools access to an extended network of community members and encourage and promote school attendance by presenting a consistent message to young people.

Young people with a meaningful connection to a particular community tend to be more resilient when facing issues such as school and family stress. Partnerships between schools and community-based service providers can enable more streamlined and efficient delivery of services to vulnerable students.

Partnerships via school networks and community service provider networks are an important way for schools to assist students at risk of disengagement from education and non-attendance by sharing approaches and resources.

## **UNDERSTANDING FACTORS THAT IMPACT ON STUDENT ATTENDANCE**

Principals, teachers and other school based staff may use a variety of measures to deal with absences. There may be times when a type of intervention will exacerbate a student's or family's circumstances or is at odds with the support needed, so understanding the cause of a student's absences is critical to understanding the appropriate intervention, or appropriate series of interventions.

There are many factors that can influence a student's attendance and engagement. Chronic absences are commonly a sign of stress factors either in a student's life outside school, and/or in the immediate learning environment.

For advice on the many supports available to schools to support students who may be experiencing issues both within and outside the school environment, see: 'Attendance improvement strategies'.

Principals and teachers are best placed to recognise attendance patterns that may be an indication of other stress factors. However, this can be a challenge in a classroom and school environment where students have diverse educational, emotional and social capabilities.



Early warning signs of disengagement include frequent lateness, leaving school early, missing lessons, siblings with poor attendance, unresolved issues with staff or other students, difficulties at times of transition, social or emotional issues and chronic health issues of the student and/or their family members. Responding quickly to work in partnership with students and families is the most effective way to manage non-attendance so that patterns do not become entrenched.

Schools should ensure they address and celebrate cultural diversity within their school community when developing their attendance promotion, recording, monitoring and follow-up procedures.

Special consideration may need to be given to procedures for students and families from particular backgrounds or with particular living circumstances including:

- Aboriginal students – to be consistent with Dardee Boorai: the Victorian Charter of Safety and Wellbeing for Aboriginal Children and Young People and to contribute to the aims of the Wannik Education Strategy. For more information, see:
  - [Dardee Boorai: the Victorian Charter of Safety and Wellbeing for Aboriginal Children and Young People](#)
  - [Wannik](#)
- Students from culturally and linguistically diverse (CALD) backgrounds
- Students with refugee backgrounds
- Students with disabilities – to comply with the *Equal Opportunity Act 2010*, the *Disability Discrimination Act* (Cth) and the Disability Standards for Education 2005
- Students in out-of-home care – to be consistent with Out-of-Home Care Education Commitment: A Partnering Agreement. For more information, see: [Out-of-Home Care Education Commitment](#)
- Overseas students - [Education Services for Overseas Students \(ESOS\) Framework](#)

While cultural and other circumstances of students and families should be acknowledged and sensitively considered, they should not compromise the expectations for the student's full attendance at school.

## REQUIREMENTS - ATTENDANCE

### REPORTING AND RECORDING ATTENDANCE

#### PARENT RESPONSIBILITIES

Parents are required to ensure their child attends school and to provide an explanation for their child's absence from school, and the principal must record in writing the reason (if any) given by the parent. The principal must be able to determine from the records if the excuse given was reasonable in terms of the parent meeting their legal obligations.

Parents should inform the school of the reason for their child's absence so that the school can:

- determine if the child's absence needs to be excused by the principal, in line with school policy and these guidelines
- determine the appropriate follow up to ensure the child's education and wellbeing is supported
- record if the parent has a reasonable excuse for not meeting their obligation to ensure their child attends school each day.

Where possible, parents should inform the school in advance of upcoming absences.

To ensure a child's education and wellbeing are supported, parents are encouraged to communicate openly with the school where a child has an ongoing medical condition that may result in ongoing absences or medical appointments during school hours.

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## SCHOOL RESPONSIBILITIES

The school must record student attendance twice per day in primary schools and in every class in secondary schools and record, in writing, the reason given for each absence. This is necessary to:

- meet legislative requirements
- discharge schools' duty of care for all students
- assist calculation of the school's funding
- enable the school governing body (school council in government schools) to report on student attendance annually
- meet Victorian Curriculum and Assessment Authority (VCAA) requirements (for VCE students).

All registered schools must ensure their system for recording student attendance meets the requirements above. Government schools must use only CASES21, eCASES21 or third party software which is compatible with CASES21 to record student attendance.

Accurate and comprehensive student attendance records, including the reasons for any absences, also allow schools to monitor the effectiveness of attendance improvement strategies and measure achievement against attendance targets. It also provides evidence for any further enforcement proceedings including issue of an Infringement Notice (and any appeal) and court proceedings if it appears a parent may not have met their legal obligations to ensure their child attends school.

All schools must report the annual rates of student attendance for the year to the school community at least once a year. Schools are also required to report information about student enrolment and attendance for funding requirements.

The Department collects information on student attendance through extraction of data from CASES21 and publishes attendance rates in its annual report.

For the purposes of monitoring and evaluating the effectiveness of the enforcement system, the Department will collect information about the use of School Attendance Notices and School Enrolment Notices.

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## PRINCIPAL RESPONSIBILITIES

The principal is responsible for determining if the excuse provided for an absence is reasonable for the purposes of the parent meeting their responsibilities under the *Education and Training Reform Act 2006*. A principal should use their discretion in making this decision.

The principal or their nominee must record:

- student attendance twice per day in primary schools and in every class in secondary schools for every student enrolled at the school
- the excuse given for an absence and whether this is reasonable in accordance with the *Education and Training Reform Act 2006*



- an absence as unexplained if no excuse has been given and change the attendance record once an excuse is provided or established
- a student is present for a half day when the student has attended at least two hours of instruction.

To meet duty of care responsibilities, the school attendance records should indicate whether the student was physically present in a classroom, or not present but attending a school-approved activity. In the latter situation, the teacher or staff member in charge of the activity should record attendance and ensure parents are notified of any absences in the same manner as for regular absences from school.

All students enrolled in the school are required to have their attendance recorded, even if they only attend the school premises part time. Attendance for the times the student is not expected to attend should be recorded so it does not count towards the absences for the school (government schools should use code 602 Exempt in CASES21).

The attendance of students at curriculum programs outside school premises needs to be recorded by the provider and reported back and recorded by the school. Schools manage absences in conjunction with the provider of re-engagement programs or approved education provider.

## MONITORING ATTENDANCE

In addition to accurately and consistently recording student attendance and absence, Principals should ensure school attendance data is regularly monitored and analysed to identify student absence patterns on a school, year level and individual basis.

The Student Mapping Tool is available to all government schools and can be used for early identification of students at risk of poor attendance and possible disengagement from school. Once identified as being at risk of poor attendance, students should be provided with timely targeted support to improve attendance or address underlying issues. Referral to Student Support Services, a Student Wellbeing Coordinator or a Primary Welfare Officer is recommended. For more information, see: [Student Mapping Tool](#)

## EXEMPTIONS FROM ATTENDANCE

Where a student:

- has reached 6 years but has not started school and will be enrolled in a second year of kindergarten; or
- has not reached 17 years but will leave school; or
- is absent from school due to employment in the entertainment industry

and certain conditions are met, an exemption from attendance can be sought.

The process for applying for these exemptions is outlined in the [School Policy and Advisory Guide \(SPAG\)](#). Non-government schools are also advised to follow these procedures.

An exemption is not required for these absences, but if there is no exemption the student's absences will count towards the school's absences for reporting purposes. For example, a student with an exemption from attendance for one day per week, who attends the four days per week they are expected to attend, would have 100 per cent attendance, whereas if no exemption was in place the student would have 80 per cent attendance.



Schools should advise parents when an exemption from attendance is required and support parents to apply for the exemption. Schools and parents may also agree to seek an exemption so that a student's absences do not count towards the school's total absences for reporting purposes.

## REQUIREMENTS FOR SCHOOLS – MANAGING ABSENCE

### EXCUSING AND NOT EXCUSING ABSENCES

Principals can consider the excuse given for an absence and use their discretion to decide if the parent has a reasonable excuse for not meeting their legal obligations ('excused absence') or does not have a reasonable excuse ('unexcused absence').

The process for making a decision about student absences involves a principal:

- considering a request from a parent to approve an absence
- exercising their discretion as to whether or not to excuse or not excuse the absence
- notifying the parent if the absences have not been excused.

In exercising their discretion, the Principal should take the following considerations into account:

- whether the absence is explicitly covered in section 2.1.3 of the *Education and Training Reform Act 2006*
- whether the student should do some learning activities during the absence (see: [Student Absence Learning Plan](#))
- if this kind of absence is covered in the school's policy (e.g. shopping, birthday, visiting relatives)
- whether or not the length of absence will affect the student's learning
- whether the parent has requested this kind of absence before, and if so how recently and how many times
- whether or not the principal has approved this kind of absence before
- cultural factors or details of the student and family's circumstances
- the implications for not approving the absence
- whether an exemption would be appropriate, whereby the school should assist the parent to apply for an exemption.

In general, it is expected that principals would excuse absences for:

- medical and dental appointments, where out of hours appointments are not possible or not appropriate
- bereavement or attendance at the funeral of a relative or friend of the student, including a student required to attend Sorry Business
- school refusal, if a plan is in place with the parent to address causes
- cultural observance, if the parent notifies the school in advance
- family holidays, where the parent notifies the school in advance and the student completes any Student Absence Learning Plan agreed by the school, student and parent.

In general, principals would not be expected to excuse absences, where:

- approval had not been sought in advance or in accordance with school policy
- the student was absent due to participating in leisure or social activities without approval

- the conditions of approval have not been met (e.g. Student Absence Learning Plan for a family holiday not completed)
- the parent has provided no explanation for the absences

Other explanations require confirmation from the principal to ensure the parent has a reasonable excuse.

**Notes:**

A principal can excuse these absences by establishing school policy for different absence types or by excusing absences on a case-by-case basis. School policy should be consistent with these guidelines.

**ALSO**

Clause 2.1.3(fa) of the *Education and Training Reform Act 2006* allows principals to formally excuse absences in special circumstances where no other reasonable excuse exists. However, it remains at the principal's discretion to decide whether the excuse provided by a parent is reasonable.

When deciding to excuse an absence, principals can confirm that the excuse provided for an absence fits within the category of 'unavoidable cause' or 'unforeseen event' and should record the rationale for their decisions.

Truancy (defined in the *Education and Training Reform Act 2006* as absences due to the child's disobedience and not due to any fault of the parent) is a reasonable excuse for a parent. In deciding to accept this explanation a principal must consider:

- the age of the student
- the previous attendance of the student and
- the parent's capacity to influence and control the student's behaviour.

If, after considering these factors, the principal is not satisfied with the parent's explanation that it was solely the student's decision to be truant, then the absence should be regarded as an unexcused absence and the principal should follow the processes set out below.

Truancy is often a warning sign of disengagement and is best addressed early in partnership with the family and school. For more information, see: [Attendance Improvement Strategies](#)

The table below provides examples of common reasons for absences and general advice for principals.

COMMON REASONS FOR ABSENCE	Parent approval required	School required to confirm reason is authentic	Reasonable excuse for parent	General advice for principals	Basis in ETR Act for reasonable excuse	Follow up required
Illness or accident	Yes	No	Yes	N/A	2.1.3(a)(i)	No
Medical/dental appointment	Yes	Yes	Yes	Approve if an out of hours appointment is not possible or	2.1.3(fa)	No, unless absences become excessive



				not appropriate		
Attending or observing a religious event or obligation	Yes	No	Yes	N/A	2.1.3(f)	No
Suspended	No	Yes	Yes	N/A	2.1.3(d)	Yes (suspension guidelines)
Bereavement such as a death of a family member, attendance at a funeral and/or related mourning activities (sorry business)	Yes	Yes	Requires principal to approve	Approve	2.1.3(fa)	Offer and provide support as required
Truancy	No	Yes	Yes	N/A	2.1.3(e)	Meetings, Attendance Improvement Plan
School refusal	Yes	Yes	Requires principal to approve	Approve if parents and school are working on plan to address cause	2.1.3(fa)	Yes – meetings to identify and address the cause
Family holiday	Yes	Yes	Requires principal to approve	Approve if parents notify in advance. School policy should be developed for long or frequent/repeated holidays	2.1.3(fa)	Student Absence Learning Plans developed in conjunction with classroom teachers
Required to comply with another law	Yes	No	Yes	N/A	2.1.3(a)(ii)	No, unless absences become excessive. Offer and provide support as



						required
Cultural observance	Yes	Yes	Requires principal to approve	Approve if parent notifies in advance	2.1.3(fa)	No
Leisure or social activities	Yes	Yes	Requires principal to approve	Approve if satisfied that circumstance warrants	2.1.3(fa)	No
Unforeseen event	Yes	Yes	Yes	Approve if satisfied event was unforeseen and prevented attendance	2.1.3(a)(i)	No
Unavoidable cause	Yes	Yes	Yes	Approve if satisfied cause was unavoidable and prevented attendance	2.1.3(a)(i)	No
Other – special event or participation in elite sporting events/training	Yes	Yes	Requires principal to approve	Case-by-case basis	2.1.3(fa)	No
Exemption	No	No	Yes		2.1.3(g)	Ensure any conditions of exemption are met. Monitor attendance at other provider
Employment in the entertainment industry	Yes	Yes (through approving exemption)	Yes	N/A	2.1.3(g)	Yes, to ensure conditions of exemption are complied with

#### FOLLOWING UP ABSENCES

Most absences will be excused and require no further follow up.

Where absences are of concern due to their nature or frequency, the school will involve the parents and the student as appropriate in developing strategies to improve attendance.

Parents should be informed that if a student has repeated absences without a reasonable excuse or explanation, the parent may be issued with a School Attendance Notice from a School Attendance Officer.

#### Notes

- CASES21 provides letters to be used for notifying parents of absences and seeking explanations.
- Schools should keep records of all attempts to contact parents or students and any information obtained.

### NO REASONABLE EXCUSE PROVIDED

For all absences where the principal has determined that a parent has not provided a reasonable excuse, the school must notify the parent in writing that the absences have been recorded as such. Principals should take care to ensure that, wherever possible, this letter or email is addressed to the parent who has been deemed responsible for the child's absence on the relevant day(s).

If the principal decides that no reasonable excuse has been provided for an absence, the absence must be recorded as such and the parent must be informed that this means:

- they may not have met their obligations under the *Education and Training Reform Act 2006*.
- an accumulation of these absences could lead to a School Attendance Notice from a School Attendance Officer
- failure to comply with the School Attendance Notice may result in the issue of an Infringement Notice.

### UNEXPLAINED ABSENCES

If a parent does not contact the school to provide an explanation on the day of the student absence, the school must attempt to contact the parent (for example by telephone) of the student within three days of the absence. If an explanation is received, the accurate cause of the absence must be recorded.

Schools must advise parents promptly of unexplained absences, including for post-compulsory aged students. Schools should take care to notify the parent who is responsible for ensuring the child's attendance on that particular day. If, upon being notified of their child's absence or contacted to seek an explanation, a parent reports that the child was not living with them on that day, the school should ensure they notify another parent who was responsible for ensuring the child attended school on the relevant day(s).

If contact cannot be made with the parent, the school should attempt to make contact with any emergency contact/s nominated on the student's file held by the school.

If, following contact by letter or email, no explanation has been provided within 10 school days, the absence should be recorded as an unexplained absence and also be noted in the student's file.

### IF WHEREABOUTS OF A STUDENT IS UNKNOWN

If, from multiple attempts to contact with a parent, it becomes apparent that a student will not be returning to the school, the principal may make a referral to a School Attendance Officer if:

- no alternative education destination can be found for the student, and



- the student has been absent for 10 consecutive school days.

In the referral form, schools should provide information of all attempts to contact parents, students and emergency contact people and any information obtained. They must also ensure they keep written records of these attempts.

The School Attendance Officer will then:

- enact procedures to locate the student, and
- send a School Attendance Notice if the student cannot be located at another registered school or training provider.

Until notification from the School Attendance Officer is received, a school should continue to record the absences for that student as unexplained and advise the School Attendance Officer if they receive any information about the whereabouts of the student.

When a resolution is reached (e.g. student located, a response to a School Attendance Notice gives additional information, or no response is received to a School Attendance Notice), the School Attendance Officer will notify the school to do one or more of the following:

- complete a transfer or exit process for the student, and provide an exit destination record
- amend the attendance record for the time the student has not been attending, so the absences do not count towards the school's absences, from a date specified by the School Attendance Officer
- maintain the student's enrolment at the school and amend the attendance records for the time the student was not attending to reflect the actual reason for the absence
- implement a Return to School Plan for the student.

#### Note

The principal or nominee must:

- keep records of all contact, or attempts to make contact, with the student's family, for a minimum period of one year
- maintain documentation of all attempted and implemented intervention strategies aimed at restoring a student's attendance
- ensure attendance records (electronic and hardcopy) are managed in accordance with standards set by the Public Record Office Victoria and guidelines issued by the Department (government schools), or relevant Commonwealth privacy legislation (non-government schools). See: [Public Record Office Victoria](#)

## ATTENDANCE IMPROVEMENT STRATEGIES

Through regular monitoring of attendance and absence patterns, and reviewing the excuses given for absences, schools may identify that a student is at risk of poor attendance or becoming disengaged.

Schools should consider follow up and improvement strategies when a student has been absent more than five days in a term for any reason (indicating attendance falling below 90 per cent), even for parent approved health-related absences. They should also follow up and implement improvement strategies where:



- the absence is having a significant impact on a student's educational attainment, achievement and development
- a student has been truanting (absent without parental consent)
- a parent reports that a student refuses to attend school
- there has been no explanation for the student's absence
- a parent repeatedly fails to provide a reasonable excuse for their child's absence.

This follow up is recommended as an early intervention approach that may possibly identify an underlying issue affecting attendance which may differ from the explanation originally reported by the parent, or identify support the school can offer to assist the student's ability to attend school.

The impact of absences on a student's educational attainment, achievement and development will depend on the:

- number of days of absence
- number of consecutive days
- reason for the absence
- time of year
- age of the student
- type of learning that will occur outside school.

All these factors need to be considered in choosing appropriate follow up or intervention strategies.

When following up absences, schools should:

- further investigate the reasons for the student's absence (the actual reason may differ to the explanation initially provided)
- organise a meeting with the parent and a relevant teacher or other staff member at the earliest opportunity to identify the issues related to the non-attendance and to plan for improvement
- ensure they notify a parent in writing each time the school considers they have not provided a reasonable excuse for the absence.

## ADDRESSING INDIVIDUAL STUDENT NEEDS

Identifying risks of student disengagement from education needs to happen early so that actions can be taken to reduce or avoid these risks. In order to effectively address these risks, schools should work in partnership with the significant adults in the students' lives, including families, as well as with community agencies and services.

Attendance improvement strategies and interventions must be consistent with other supports and frameworks in place for the student and family (e.g. students in out-of-home care, experiencing homelessness, Aboriginal families, overseas students, students with disabilities, students with cultural and linguistically diverse backgrounds and newly arrived communities).

Schools should be careful if using more than one improvement strategy at a time. For example, if an Attendance Improvement Plan has been developed, do not initiate further actions until the actions and timelines outlined in the plan have been completed and evaluated and attendance patterns remain of concern.

Referrals to community services or agencies may be appropriate if an immediate need is identified, and these can occur in conjunction with attendance improvement strategies if necessary.

Appropriate attendance improvement strategies for an individual student will vary according to their circumstances, age and education level and aspirations.

The main focus of attendance improvement strategies at a primary and lower secondary school level should be to support improved attendance or a return to a mainstream school setting.

At middle secondary level, the main focus of attendance improvement strategies should be on re-engaging children and young people at risk of leaving the education system, creating pathways back into school, or into accredited training or employment if that better suits their aspirations.

At senior secondary level, attendance improvement strategies should focus on supporting children and young people to complete their senior secondary certificate or accredited VET qualification at Certificate II or above, with the view of linking them into their preferred pathway of further education, training or employment.

## ENGAGING WITH THE FAMILY

Managing issues of non-attendance can be difficult, particularly in circumstances where there are apparent stress factors within families. Working with a family in a way that can prevent attendance issues is critical. Successful school-family relationships will be underpinned by open and effective communication. Keys to successful partnerships with parents and families include:

- conducting effective school-to-home and home-to-school communications
- providing volunteer opportunities to enable parents and student to contribute
- involving families with homework and other curriculum-related activities
- involving families as participants in school decision-making
- coordinating resources and services from the community for families, students and the school
- providing opportunities to enhance parenting knowledge and skills.

In analysing patterns of non-attendance and following up with parents, schools should consider cultural factors and details of student and family circumstances.

Contact should be made with the view to developing and implementing strategies that minimise absences and build positive home-school relationships.

## MEETINGS WITH PARENTS

Attendance meetings with parents and students should be convened following initial contact with the parents when a student's attendance is of concern to the school. The purpose of the meeting is to develop attendance improvement strategies to support the student and to examine why non-attendance continues to be a problem.

At the first meeting, the principal or nominee should focus on:

- establishing a shared understanding of accountability and strategies for improving attendance
- ensuring parents are aware of the absences and fully appreciate the educational implications for the student



- identifying the reasons for the absences
- exploring any factors preventing attendance or participation
- requesting parents engage with alternative strategies to improve attendance
- identifying appropriate attendance improvement strategies
- documenting which improvement strategy has been selected, with clear discussion about the ways in which it will be monitored and when it will be reviewed
- explaining the possible consequences of repeated non-attendance, including referral to a School Attendance Officer.

Meetings with parents of students with attendance issues should feel supportive rather than disciplinary, with a focus on positive and proactive solutions.

Principals need to ensure that appropriate supports are provided at the meetings (for example, interpreters, advocates) in order to facilitate the involvement of parents.

Consideration should be given to cultural and language differences, and translated material or an interpreter should be provided if required. The family should be given the opportunity to discuss cultural practices, or to invite a cultural leader to discuss cultural practices on their behalf if relevant to the meeting. Meeting times should also be negotiated in order to ensure a mutually agreeable time is decided on with necessary support provided.

Schools may need to enact a combination of strategies in responding to the needs and circumstances of individual students. More targeted approaches may be needed for individual students facing multiple issues.

## ATTENDANCE STUDENT SUPPORT GROUP

When student attendance issues are identified and it becomes apparent that a student may require ongoing intensive support in order to remain engaged in school, an Attendance Student Support Group should be convened by the principal (or nominee). The Attendance Student Support Group should be attended by:

- the parent of the student
- a parent's advocate (if required)
- a teacher (primary) or teacher(s) nominated as having responsibility for the student (secondary)
- the principal or nominee (to act as chairperson)
- the student (where appropriate)
- relevant school based welfare staff (where appropriate).

The Attendance Student Support Group may invite input from any other person with knowledge of the student or with information relevant to the educational or social needs of the student. Appropriate professionals from other agencies (such as youth workers or counsellors) may also attend with permission of the parent.

All students in receipt of Program for Students with a Disability funding and students living in out-of-home care should already have a Student Support Group established. The existing Student Support Group should be used for attendance issues.

The Attendance Student Support Group meetings should focus on:

- Ensuring the parent is aware of the absences and understands the educational implications for the student
- Identifying the reasons for the student absences
- Working collaboratively to develop a Student Attendance Improvement Plan, and/or an Individual Education Plan.

For more information, see [Student Support Group Guidelines](#)

## ATTENDANCE IMPROVEMENT PLANS AND RETURN TO SCHOOL PLANS

To assist in the re-engagement of students with attendance issues, an Attendance Improvement Plan can be introduced.

To assist in the reintegration of a student after a prolonged absence, a Return to School Plan can be implemented. This may also be used following other strategies if these strategies have not had the desired outcome. For more information, see: [Return to School Plan](#)

Attendance Improvements Plans and Return to School Plans may be appropriate for students who are:

- involved in the youth justice system
- experiencing, or who have experienced a period of homelessness
- experiencing mental or physical illnesses (Return to School Plans are vital for this cohort if they have experienced prolonged absence from school).

Both these plans should be developed with the student and the parent and any support workers, and include information such as:

- the work the student has missed and needs to complete
- the student's class timetable, including bell times
- school term dates, student free days and non-school periods
- goals to improve the student's attendance, including a target for attendance
- nominated staff that can support the student if they need assistance, and their locations
- the process to be followed if the student is absent
- contact details for the student's parent.

If it has been difficult to engage with the parent of a student, a School Attendance Improvement Plan or a Return to School Plan can be developed directly with the student. Any support services the student may be accessing or may have been referred to (such as a youth worker or Koorie Engagement Support Officer) should be consulted and the plan should outline key responsibilities and parties to be involved.

## INDIVIDUAL EDUCATION PLAN

An Individual Education Plan articulates a student's educational, social and behavioural needs and how the school and other support services will address these. The IEP should:

- articulate the student's learning style, interests, goals and support needs
- be based on an assessment of the student's specific learning needs and capabilities
- establish short-term goals that will lead sequentially to the achievement of long-term goals



- consider key long-term goals that reflect learning outcomes in social, academic and life skills development
- reflect high expectations of the students capacity for educational achievement
- outline a meaningful educational program, linked to learning outcomes under an appropriate curriculum or qualification framework (VELS, VCE, VCAL or VET)
- be developed in consultation with the student, the school and members of the Student Support Group
- ensure that the goals are measurable, achievable, supported, and time-limited
- clearly articulate individual and shared responsibilities, for the student and members of the Student Support Group
- contain a record of important decisions, actions, student behaviour and progress.

Individual Education Plans may be suitable as an intervention to improve attendance if issues are identified with a student's education level, such as their literacy or numeracy levels, or if poor engagement in learning is identified as contributing to the student's attendance pattern.

The Department's Wannik Education Strategy requires all government schools to develop an Individual Education Plan for each Aboriginal student in a partnership between teachers, the student, the parent and the Koorie Engagement Support Officer. In this case each plan will cover key transition points from pre-school to school, primary to secondary and compulsory to post-compulsory education. For more information, see: [Wannik](#)

The Partnering Agreement commits to an Educational Needs Assessment for all students in out-of-home care. See: [Education Needs Assessment](#)

## STUDENT ABSENCE LEARNING PLAN

Student Absence Learning Plans should be implemented to support the education of students who are absent from school for an extended period. They should be developed collaboratively by teachers, students and their parents.

Student Absence Learning Plan must be developed for students:

- who are planning extended absences from school, for example for a family holiday
- suspended for more than three days (see [Student Engagement and Inclusion Guidance](#))
- subject to an expulsion appeal process (see [Student Engagement and Inclusion Guidance](#)).

It may also be useful to develop a Return to School Plan for students. See: Return to School Plan

## REFERRAL TO SCHOOL OR COMMUNITY BASED WELLBEING PROFESSIONAL

When exploring attendance concerns, schools may identify behavioural, health or social issues such as anxiety, depression or bullying for an individual student. Schools should access specialist support available in the school or provided by the school sector. For government schools this would include Student Support Services, Koorie Engagement Support Officers and Primary Welfare Officers and, for all schools, external community service organisations where appropriate.

Responding to the wellbeing needs of individual students is not the responsibility of schools alone. Other government and community-based agencies can provide specialist support to children and families around

a range of individual and family needs. Schools may work directly with local agencies to establish arrangements for referral and collaboration.

Engaging services or making referrals to services could be employed as a strategy to improve attendance, and to address emotional and social needs in order to improve attendance, especially in circumstances where students are experiencing homelessness, are involved in the youth justice system, are experiencing mental or physical health issues, or are from newly arrived or refugee backgrounds.

#### Notes

For government schools, staff in the Department's regional offices can:

- suggest further attendance improvement strategies
- suggest community agencies that may be available to assist the child and family
- assist with placement in another school or a re-engagement program external to the school
- discuss protective concerns for a child and the suitability of making referral to Child FIRST or Child Protection
- provide support to schools to broker solutions for complex individual attendance cases

For Catholic schools, relevant Diocesan Catholic Education Office Wellbeing personnel are available to assist. Principals in Catholic schools are required to consult with their relevant Wellbeing personnel before a referral to a Department School Attendance Officer is made.

## RE-ENGAGEMENT PROGRAMS

Re-engagement programs operate outside mainstream school settings and provide tailored education and support for children and young people who are disengaged, or have been identified as at risk of disengaging, from mainstream school.

They provide an opportunity for disengaged or at-risk children and young people to achieve positive education and wellbeing outcomes through engagement in a tailored and supportive learning environment.

Re-engagement programs:

- allow students to remain enrolled in their government school while attending the program
- may cater to students who are enrolled at a number of different schools
- may be delivered by a government school or by a registered education provider contracted by a school (a non-government school or a registered training organisation).
- may support re-engagement back into mainstream school or provide a longer-term alternative learning pathway, depending on the age and stage of a child or young person's learning.

Re-engagement programs are only an appropriate option when:

- school-based strategies to improve a student's engagement in a mainstream school setting have not been successful
- a child or young person is not enrolled in a school and faces significant barriers to returning to a mainstream school environment.

When determining if a re-engagement program is a suitable option for a child or young person, the primary consideration must be the educational and wellbeing needs of that individual.



For guidance on establishing, delivering and referring to re-engagement programs, see: [Re-engagement programs](#)

## REPORTING CONCERNS: REFERRAL TO CHILD FIRST OR REPORT TO CHILD PROTECTION

Prolonged absence from school, patterns of absence from school, or the level of parental support for a child's attendance at school may raise concerns about cumulative harm to a child, or concerns that the child and their family need the assistance of family services. In addressing and following up school attendance issues, schools may need to consider whether they should report a concern to Child Protection or make a referral to the Child FIRST intake service for referral to family services. For more information, see: [Child FIRST](#)

Families requiring the support of family services generally have complex needs, which can adversely impact on a child's development and educational attainment if appropriate supports and interventions are not provided in a timely manner. Significant concerns about the child's wellbeing and development are commonly highlighted by how often issues such as non-attendance are occurring, how serious the issues are, and most importantly how the issues are affecting the child's learning and development.

In general, it is advised that schools should attempt one or more attendance improvement strategies before considering a referral to Child FIRST. Schools can report concerns to the child and family services system concurrently with a referral to a School Attendance Officer. Early identification and response to patterns of cumulative harm to children and young people, and assisting families to receive appropriate supports and services, is a critical part of the child and family service system.

Cumulative harm refers to the effects of patterns of circumstances and events in a child's life, which diminish a child's sense of safety, stability and wellbeing. These circumstances and events could include the history and pattern of the child's attendance at school, periods of non-attendance and the level of parental support for the child's attendance at school.

If, through enquiries and engagement with the families to follow up attendance issues, a principal or other mandated staff member has formed a belief that the child has suffered or is at risk of suffering significant harm, or is in need of immediate protection, they must make a report to Child Protection. For more information, see: Child Protection

A referral to Child FIRST should be considered if, after consideration of the available information the school is, on balance, more inclined to form a view that the concerns currently have a low to moderate impact on the child, and where the immediate safety of the child is not compromised. In these situations a referral to Child FIRST is the best way of connecting vulnerable children and their families to the services they need to protect and promote healthy development.

A referral to Child FIRST may be suitable in situations where families are exhibiting or report the following factors that may impact on the child's attendance at school:

- significant parenting problems
- family conflict, including family breakdown
- families under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement

- young, isolated and/ or unsupported families
- significant social or economic disadvantage that may adversely impact on a child's care or development

On receiving a referral from a school, the Child FIRST team will conduct further assessment of the family and may consult an experienced community-based child protection worker who is based in each Child FIRST team. This assessment may lead to the involvement of a local family services organisation. Child FIRST will inform schools of the outcome of their referral.

Where a Child FIRST team or a registered Family Services organisation forms the view that a child or young person is in need of protection they must report the matter to Child Protection.

In forming the view that a child is in need of protection, schools should consider the specific things that have happened to the child that have caused concerns and the impact of those factors on the child's safety, stability, health, wellbeing and development. Some questions to consider are:

- How vulnerable is the child?
- Is there a history or pattern of significant concerns with this child or other children in the family?
- Are the parents aware of the concerns, capable and willing to take action to ensure the child's safety and stability, and promote their health, wellbeing, and development?
- Are the parents able and willing to use support services to promote the child's safety, stability, wellbeing and development?

#### REFERRAL TO A SCHOOL ATTENDANCE OFFICER

When a school feels that they have exhausted strategies for addressing a student's unsatisfactory attendance, further action to restore attendance is appropriate. This may mean pursuing an intensive intervention approach, reporting a concern through the child and family services system, or referring to a School Attendance Officer who may issue a School Attendance Notice.

Which avenue to pursue will depend on a variety of factors such as the underlying cause of the absences, the history of engagement with the student's parents, and any precedent set by the school.

After making a referral or report, a school must continue to record, monitor and follow up the student's attendance in line with normal procedure.

#### Note:

A principal does not have to make a referral for all absences that meet the criteria below but may continue to manage the absences at a school level.

Referring a student attendance matter to a School Attendance Officer may be appropriate where the principal determines that:

- Intervention strategies have been unable to secure parental engagement and improvement in school attendance (or engagement in another educational program); and
- Requiring the parent to respond to the notice will convey the seriousness of the matter and is likely to elicit an improvement in attendance.

Principals should be certain they have evidence to demonstrate the parent has not been meeting their responsibilities under the Act. This will be important in the event the School Attendance Notice leads to an



Infringement Notice being sent to the parent and the parent wishes to appeal the decision or elect to have the matter heard in court.

The process for issuing the School Attendance Notice, requiring the parent to respond and the further steps if the parent does not comply with the notice is very clear and is set by the provisions in the *Education and Training Reform Act 2006*.

To make a referral to a School Attendance Officer the principal needs to establish that:

- the student has been absent from school on at least five full days in the previous 12 months and the parent has not provided a reasonable excuse for these absences
- measures to improve the student's attendance have been undertaken and been unsuccessful, or are inappropriate in the circumstances
- a parent responsible for the absences can be identified (a single person to be the addressee of the School Attendance Notice).

These minimum requirements to be met before sending a School Attendance Notice are set out in the Act.

In addition to the minimum requirements, before making a referral a principal should:

- be satisfied that the reasons for the failure to comply with attendance requirements have been explored, including any social, cultural, linguistic, economic, geographic or learning difficulties
- ensure that if a Student Support Group has been established for the student, or another support mechanism exists for the student, that group has been consulted about the particular attendance issue or that mechanism utilised before making a referral to a School Attendance Officer
- consider the particular circumstances of the student and family in deciding to make a referral, including likely consequences if the parent does not respond adequately to a School Attendance Notice
- have attempted to contact the parent in question by telephone to advise of the situation and confirm their awareness of the seriousness of the issue.

A School Attendance Notice may only be sent in relation to a student of compulsory school age. Before making a referral, principals should check that the student is of compulsory school age, particularly for students in Prep or Year 11 and 12. Where a student is under 18 but their maturity is such that they may be considered a 'mature minor', the school should focus on attendance improvement strategies that do not include referral to a School Attendance Officer for a School Attendance Notice. For more information on who may be considered a mature minor, see: [Decision Making Responsibilities for Students](#)

Prior to referring the matter, government school principals may wish to consult with the Department's Health, Wellbeing and Engagement Unit in their regional office for advice about the appropriateness of making a referral to the School Attendance Officer. Seeking advice from staff in the Department's regional office does not oblige the principal to make a referral.

If the student is an overseas student, the principal should consult with the International Education Division to confirm the visa status for the child and act in accordance with the school attendance enforcement provisions and sanctions under the Education and Services for Overseas Students (ESOS) Framework.

For more information, see:

- [Study in Melbourne](#)
- [ESOS Legislative Framework](#)

Principals should be certain they have evidence to demonstrate the parent has not been meeting their responsibilities under the Act. This will be necessary in the event the School Attendance Notice leads to an Infringement Notice being sent to the parent and the parent wishes to appeal the decision or elect to have the matter heard in court.

If the principal decides to refer the matter, he or she should complete and forward the referral form: *Referral to School Attendance Officer*. If a principal of a non-government school has concerns about disclosing private information in the referral form, he or she can contact the School Attendance Officer for advice.

If a School Attendance Officer is notified that a parent appears to be failing in their duty to ensure their child attends school at all times the school is open for the child's instruction, the School Attendance Officer will follow the steps outlined in Procedures for a School Attendance Officer – School Attendance Notices below.

The principal must provide any information requested by the School Attendance Officer in order to issue a School Attendance Notice.

#### Note

- Principals in Catholic schools are required to consult with relevant Diocesan Catholic Education Office Wellbeing personnel before any referral to a Department School Attendance Officer.

## PROCEDURES FOR A SCHOOL ATTENDANCE OFFICER – SCHOOL ATTENDANCE NOTICES

### INTRODUCTION

These procedures are intended to assist School Attendance Officers to implement the enforcement of the compulsory school attendance laws set out in Part 2.1 of the *Education and Training Reform Act 2006* as amended by the *Education and Training Reform Amendment (School Attendance) Act 2013*.

All Department Regional Directors have been re-appointed as School Attendance Officers by the Minister for Education. This guidance only relates to Regional Directors in their roles as School Attendance Officers.

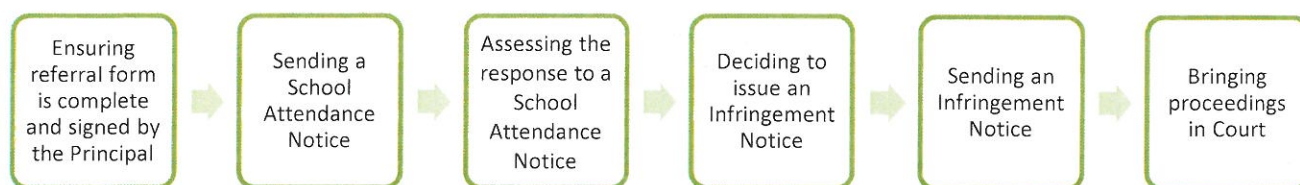
School Attendance Officers must operate within a Code of Conduct.

This guidance applies to all Victorian schools, including non-government schools.

The information below provides guidance on each of the stages of the enforcement process:

- Ensuring referral form is complete and signed by the Principal
- Sending a School Attendance Notice
- Assessing the response to a School Attendance Notice
- Deciding to issue an Infringement Notice
- Sending an Infringement Notice
- Bringing proceedings in Court





## ENSURING REFERRAL FORM IS COMPLETE AND HAS BEEN SIGNED BY THE PRINCIPAL.

When a principal makes a referral to a School Attendance Officer, the form must be signed and state:

- that the absences have been repeated (including the dates)
- what measures to improve attendance have been tried or are unsuitable
- that no reasonable excuse has been provided.

If all this information is provided and the form has been signed by the principal, the School Attendance Officer should be satisfied with the information provided. Principals should note that the School Attendance Officer may require further information in order to form reasonable grounds for their decision. If the form is incomplete, it should be returned to the school with a request for more information. The principal must provide any additional information requested by the School Attendance Officer.

A School Attendance Officer should be satisfied that the principal has evidence to demonstrate the parent has not met their responsibilities under the *Education Training and Reform Act 2006* and that the improvement strategies have been assessed and deemed ineffective. A School Attendance Officer may also request further information from the principal to confirm this. This information will be necessary in the event a parent wishes to appeal a decision to send an Infringement Notice.

### NOTES

- Principals are advised that the referral should be on the official form. However if a principal makes a referral by another method and includes all the required information, School Attendance Officers can accept this referral.

## SCHOOL ATTENDANCE NOTICES

### SENDING A SCHOOL ATTENDANCE NOTICE

As detailed in the *Education and Training Reform Act 2006* to send a School Attendance Notice to a parent a School Attendance Officer must be satisfied that:

1. the student has been absent from school on **at least five full days** in the previous 12 months and the parent has not provided a reasonable excuse for these absences
2. measures to improve the student's attendance have been undertaken and been unsuccessful, or are inappropriate in the circumstances
3. a parent responsible for the absences can be identified (School Attendance Notices must be addressed to a single person).

A template for a School Attendance Notice is prescribed in the *Education and Training Reform (School Attendance) Regulations 2013* and can be accessed here: [School Attendance Notice](#). A School Attendance

Notice should be accompanied by information about the importance of school attendance and the ramifications of failure to comply. See [Importance of school attendance](#).

Where it is known or suspected that the recipients of the School Attendance Notice are from a language background other than English, the School Attendance Notice should be issued in the appropriate language. Forms are available in Vietnamese, Arabic, Cantonese, Turkish and Mandarin. If the form is not available in the language required, School Attendance Officers should contact the Student Inclusion and Engagement Division on [student.engagement@edumail.vic.gov.au](mailto:student.engagement@edumail.vic.gov.au) or 03 9637 3179.

School Attendance Officers and their delegates must keep file notes of any communications with schools and parents. These file notes should be signed and dated.

When sending a School Attendance Notice the School Attendance Officer should ensure:

- all fields are complete
- the document is legible
- the form is completed in blue or black pen only
- names are correct (of both the child and the parent)
- address details are correct
- all dates, including birth dates and dates of non-attendance are correct
- the notice is signed and dated
- any relevant evidence is attached to the notice
- any available fact sheets that may be of use to the recipient are attached to the notice
- copies of the notice and related documents are recorded in the Student Online Cases System (SOCS) (this may mean referral of documentation back to the school)
- copies of the School Attendance Notice and related documents are sent to the Director, Student Inclusion and Engagement Division in the Department's central office.

#### NOTE

- For referrals received from the principal of a Catholic school, the School Attendance Officer must notify relevant Diocesan Catholic Education Office Wellbeing personnel that a School Attendance Notice has been sent.

### ASSESSING THE RESPONSE TO THE SCHOOL ATTENDANCE NOTICE

The School Attendance Officer is responsible for assessing a response to a School Attendance Notice. The decision as to whether to accept the explanation provided in the response to a School Attendance Notice rests with the School Attendance Officer.

A School Attendance Officer may consider a response to a School Attendance Notice when making a decision to issue an Infringement Notice. For offences of failing to comply with a School Attendance Notice, except the offence of providing false information, the School Attendance Officer is authorised to issue an Infringement Notice to the parent.

### PARENT RESPONDS WITH A REASONABLE EXCUSE



If the parent responds to a School Attendance Notice by the date by which the parent must respond to the notice (being a date no less than 21 days after the notice was issued) with an excuse that is deemed reasonable by the School Attendance Officer, the School Attendance Officer must:

- send a letter to the parent confirming they have met their obligations but must continue to ensure their child attends school, and
- instruct the principal to amend the attendance record (in CASES21 or the school's student attendance data management system) to reflect the reason given by the parent.

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#### PARENT RESPONDS WITHOUT A REASONABLE EXCUSE

If the parent responds to the School Attendance Notice within the prescribed time, but the School Attendance Officer determines (in consultation with the referring principal if required) that the parent has not provided a reasonable excuse for the absences, the School Attendance Officer may decide to issue an Infringement Notice. For guidance in making this decision, see: [Decision to issue an Infringement Notice](#)

The School Attendance Officer must notify the principal of the action taken and to confirm the reason to be recorded for the absences.

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#### PARENT'S RESPONSE IS CONTRADICTORY OR UNCLEAR

If the excuse provided by a parent in response to a School Attendance Notice:

- contradicts a previous excuse; or
- is not clearly a reasonable excuse (i.e. would have required approval of the principal under clause 2.1.3 (fa) of the *Education and Training Reform Act 2006* if initially provided to the principal as an explanation)

the School Attendance Officer should consult with the referring principal in deciding whether to accept that excuse as a reasonable excuse.

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#### PARENT RESPONDS NOMINATING ANOTHER PARENT

If the parent (parent A) responds to a School Attendance Notice within the prescribed time nominating another parent (parent B) who was responsible for the child on the days stated on the notice, then the School Attendance Officer must check that parent B is listed on the child's enrolment record at the school.

If parent B is listed, the School Attendance Officer should send:

- a letter to parent A confirming receipt of their response, and
- a new School Attendance Notice to parent B.

If parent B is not listed, the School Attendance Officer must notify parent A that their nomination has not been accepted and they are required to respond to the notice with an explanation for the absence.

If parent B re-nominates parent A, the School Attendance Officer should refer the matter back to the referring principal for advice and more information.

If the principal is not certain of the responsible parent the School Attendance Officer will re-send the School Attendance Notice to parent A advising that their nomination had not been accepted and they are required to respond to the notice with an explanation for the absence.

Importantly, parent A can respond stating that they were responsible for some of the days, but not responsible for others. An offence is only committed when a reasonable excuse is not provided for five or more days of absence. The remaining days will be considered the responsibility of Parent B. Accordingly, if five days of absence without explanation do accumulate, a new notice may be sent.

If the principal wishes for the School Attendance Officer to take no further action, the principal must continue to address the attendance issue at the school level.

## PARENT DOES NOT RESPOND

If the parent does not respond to the School Attendance Notice within the prescribed time, then the parent has committed an offence.

In these cases, it may be prudent to make contact by telephone or email to determine whether they have received the School Attendance Notice and /or whether there are other circumstances that led to failure to respond to the School Attendance Notice.

The School Attendance Officer may wish to refer the parent to appropriate external agencies who may be able to provide support and assistance to the parent. In such circumstances, it may be appropriate to re-visit attendance when the circumstances have changed.

The School Attendance Officer should attempt to contact the parent by other means, for example by telephone, to gather extra information before deciding on appropriate action, which may include issuing an Infringement Notice.

The School Attendance Officer then must notify the principal of action taken and to confirm that absences are to remain recorded as unexplained.

## INFRINGEMENT NOTICES

### DECISION TO ISSUE AN INFRINGEMENT NOTICE

The issuing of an Infringement Notice or beginning proceedings in court should be an action only of last resort.

Infringement Notices issued in relation to school attendance must comply with the *Infringements Act 2006*. School Attendance Officers must familiarise themselves with the provisions of the *Infringements Act 2006*, particularly in relation to *special circumstances* and *exceptional circumstances*.

School Attendance Officers have discretion about which action to take. Before deciding to:

- take no further action,
- send an official warning,
- issue an Infringement Notice (except for the offence of providing false information), or
- commence proceedings in the Magistrates' Court

a School Attendance Officer should consider any other information about the circumstances of the parent.

The infringements regime recognises there are circumstances in which a person's capacity to comply with a law or regulation is limited for reasons beyond their control. In such circumstances, it would be unfair to punish the person for their non-compliance.



There are circumstances in which School Attendance Officers should not issue an Infringement Notice.

Ideally, any underlying circumstances present at the time of the child's absences from school that may have contributed to non-compliance with the School Attendance Notice would be picked up by the principal or other members of school staff and considered by the principal before a School Attendance Officer is involved. However if those circumstances were not known or were not considered by the principal, the School Attendance Officer has a chance to consider these circumstances before deciding on further actions.

Whenever possible, School Attendance Officers should identify cases in which *special* or *exceptional* circumstances or other grounds for appeal may apply. This is best done at the stage of assessing the response to a School Attendance Notice, rather than issuing an Infringement Notice and waiting for the parent to appeal.

### **Special circumstances**

Special circumstances are those situations in which a person should not be criminally liable for his or her conduct. Special circumstances exist if the person suffers from:

- a mental or intellectual disability, disorder, disease or illness resulting in the person being unable to understand or control the conduct that constitutes the offence;
- a serious addiction to drugs, alcohol or a volatile substance (chroming) resulting in the person being unable to understand or control the conduct that constitutes the offence; or
- homelessness, where this results in the person being unable to control the conduct that constitutes the offence.

### **Exceptional circumstances**

Exceptional circumstances cover less serious and less enduring circumstances than special circumstances. Exceptional circumstances cover cases where a person has enough awareness and self-control to be liable for his or her conduct, but has a good excuse. This category can encompass other areas of disadvantage which do not fall within the narrow definition of 'special circumstances'.

The 'exceptional circumstances' test provides the infringements system with the flexibility to determine whether, taking into account the circumstances in which the offending conduct occurred, the imposition of a penalty was justified. Existing case law and legislation leaves considerable discretion for decision makers in defining exceptional circumstances.

School Attendance Officers can consider any additional circumstances of the parent who may be subject to an Infringement Notice and should use their discretion when deciding whether or not to issue an Infringement Notice. Circumstances such as a genuine attempt to comply or reasons beyond a person's control may be considered.

If the School Attendance Officer believes there are no special circumstances, but that circumstances described in the response to the School Attendance Notice come within the meaning of 'exceptional circumstances', the School Attendance Officer may decide not to issue an Infringement Notice, with or without sending an official warning.

If it is likely that the person being issued the Infringement Notice could apply for an internal review on one or more of the grounds listed above, and would be likely to have the Infringement Notice withdrawn, then the School Attendance Officer should not issue the Infringement Notice. Instead, the School Attendance Officer may send an official warning.

It is also important to note that the legislation does not permit an Infringement Notice or legal proceedings to commence against the following persons:

- the Secretary of the Department of Human Services carrying out their responsibilities under an order made under the *Children Youth and Families Act 2005*
- a person carrying out parental responsibilities for a child on behalf of the Secretary, Department of Human Services

#### EXAMPLES OF WHEN NOT TO ISSUE AN INFRINGEMENT NOTICE

- If the School Attendance Officer forms the view that a parent with a mental or intellectual disability did not have the ability to understand the requirement to respond to the School Attendance Notice.
- If the School Attendance Officer forms the view that there were circumstances that prevented the parent from responding adequately to the School Attendance Notice, for example, the parent or a family member was ill or absent from home during the prescribed period for responding to the notice.
- Where false information has been provided in response to a School Attendance Notice. This offence should be the subject of court proceedings.
- Where the person with parental responsibilities is the Secretary of the Department of Human Services carrying out parental responsibilities for a child under an Order made under the *Children Youth And Families Act 2005*, or any person carrying out parental responsibilities on behalf of the Secretary. Issuing an Infringement Notice to such a person would be contrary to law.

#### WHEN TO SEND AN OFFICIAL WARNING

An official warning would be appropriate for the first time a parent fails to comply with a School Attendance Notice and the information provided in the response indicates there may be special circumstances or exceptional circumstances.

The School Attendance Officer can send an official warning to the parent by using the template letter provided. The School Attendance Officer must keep a record that an official warning has been sent and the reason for choosing this action.

#### WHEN TO SEND AN INFRINGEMENT NOTICE

School Attendance Officers are required to operate within the Code of Conduct for School Attendance Officers when issuing an Infringement Notice. In making the decision to send an Infringement Notice, School Attendance Officers are required to refer to these guidelines and to keep reliable records of decisions that involved the exercise of some discretion or the consideration of information or excuses provided by the parent.

Factors such as cultural/linguistic background, economic conditions and social disadvantage do not have to be part of the School Attendance Officer's considerations at this point. These factors can be considered



earlier in the process by the Principal when deciding to make a referral to a School Attendance Officer and by the School Attendance Officer in deciding to issue a School Attendance Notice.

An Infringement Notice would be appropriate when:

- a parent has not responded to a School Attendance Notice
- a parent has responded giving an explanation that is not a reasonable excuse, and provided no further information about circumstances that may indicate special circumstances or exceptional circumstances, or
- after an official warning has previously been sent to the parent.

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## SENDING AN INFRINGEMENT NOTICE

To send an Infringement Notice, the School Attendance Officer should complete the Infringement Notice template.

The Infringement Notice should then be mailed to the recipient using registered mail and to Civic Compliance Victoria, 277 William Street, Melbourne, 3000. A copy of the Infringement Notice should also be provided to the Director, Student Inclusion and Engagement Division at 33 St Andrews' Place, East Melbourne, 3002. From this point onwards the Student Inclusion and Engagement Division in conjunction with the Legal Division, will manage proceedings. Accordingly, all evidence required to this point should be forwarded to the Director, Student Inclusion and Engagement Division.

If a School Attendance Officer receives any subsequent correspondence that relates to an Infringement Notice that has been issued, the correspondence should be immediately referred to the Student Inclusion and Engagement Division of the Department for appropriate follow up and action.

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## APPEALS

School Attendance Officers should be aware that any person receiving an Infringement Notice may apply to the Department of Education and Early Childhood Development for an internal agency review, appealing the decision to issue the Infringement Notice, on one of more of the following grounds:

1. There was a defect or mistake made in the decision to serve the notice. This ground encompasses two possibilities:
  - the decision to issue the notice was contrary to law; or
  - there was a mistake of identity.
2. There are *special circumstances*.
3. There are *exceptional circumstances* that justify excusing the conduct for which the notice was issued.

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## BRINGING PROCEEDINGS IN COURT

Should a School Attendance Officer form the view that court proceedings are the most appropriate course of action, they should refer the matter to the Student Inclusion and Engagement Division of the Department for a final decision.

Before contacting the Student Inclusion and Engagement Division, the School Attendance Officer should ensure they have evidence or reliable records of decisions that involved the exercise of some discretion or the consideration of information or excuses provided by the parent, including decisions made by a school principal before referring the matter to the School Attendance Officer.

Dated this 17<sup>th</sup> day of March 2014

A handwritten signature in blue ink, appearing to read 'Martin Dixon'.

The Hon. Martin Dixon MP

Minister for Education