



Education and Training

File Ref: 2008/00181

Senator Claire Moore  
Committee Chair  
Senate Standing Committee on Community Affairs  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Dear Senator Moore

Thank you for your letter of 13 October 2008 to the ACT Minister for Education and Training, Mr Andrew Barr MLA, inviting submissions in relation to the Inquiry by the Community Affairs Committee into the *Social Security and Veteran's Entitlements Legislation Amendment (School Requirements) Bill 2008*. As the ACT Government is under caretaker arrangements pending finalisation of the ACT Election held on 18 October 2008, the Minister has asked that I respond on his behalf.

The ACT Department of Education has an Attendance Policy relevant to the Committee's inquiry into the Amendment Bill. I have attached this for your information (Attachment A). My department is also developing a non-enrolment policy which will cover exemptions and penalties for the non-enrolment of school age children.

In the ACT the first line of support for students with attendance issues are the schools' special needs teams (primary schools) or the welfare teams (high schools). These teams develop strategies to help a young person attend school. If these strategies do not solve the attendance issue the following support programs are available.

- Youth Education Support (YES) - Youth workers liaise with schools and facilitate connections to a broader support network. They work to re-engage young people (aged 11-15) in education and support their participation in school and community life.
- Families and Schools Together (FAST) - Early intervention for high school students who are beginning to disengage with their learning. Social support workers engage directly with families to re-engage the high school student in their learning.
- Counselling and Welfare - A team of school counsellors provides targeted and individual counselling to support students from preschool to college. As well as addressing attendance issues, counsellors also provide proactive and preventative programs to school communities and work collaboratively with

classroom teachers, welfare teams, executive teams, parents, government  
and non-government agencies.

I hope this information is of use to the Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Davy', written in a cursive style.

Janet Davy  
Acting Chief Executive  
3 November 2008



Education and Training

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**POLICY TITLE:** ATTENDANCE AT GOVERNMENT SCHOOLS  
**YEAR OF PUBLICATION:** 2007  
**IDENTIFIER:** EAG200802  
**LEGISLATION:** *Education Act 2004*  
*Administrative Appeals Tribunal Act 1989*  
*Children and Young People Act 1999*  
*Privacy Act 1988 (Cwth)*  
*Territory Records Act 2002*

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**1. Policy Statement**

- 1.1 Sections 9 to 16 and 32 to 35 of the *Education Act 2004* (the Act) require the keeping of records associated with the enrolment and attendance at school and registration for home education for all students.
- 1.2 The Act mandates that children who are at least 6 years old and under 15 years old must receive an education at either a government school, a registered non-government school, or by means of a registered home education program.
- 1.3 Enrolment and attendance at a school or registration for home education is therefore compulsory during these years.
- 1.4 Not later than 14 school term days after the day the child turns 6 years old, or begins to live in the ACT, the parents must enrol the child at a school or apply to register the child for home education, unless:
- the child lives in the ACT but is enrolled in a school under State law and the parents have given the chief executive written notice of the enrolment, or
  - an exemption certificate is in force for the child, or
  - the parents have a reasonable excuse for not complying (Section 10 (3)).
- 1.5 In the case of government schools, it is a requirement of the Department that all schools, including preschools and colleges, adhere to the following procedures regardless of the age of the students.

**2. Rationale**

- 2.1 The aim of this policy is to:

- clarify the responsibilities of Government schools in encouraging attendance, reporting and dealing with absenteeism as determined in the *Education Act 2004* (the Act)
- clarify the statutory obligations of parents under the Act
- provide consistency in school attendance record keeping procedures throughout the ACT school system
- ensure that attendance data is credible and accurate.

2.2 Attendance rolls may be required as proof of a student's enrolment and attendance for a variety of purposes, such as eligibility for Youth Allowance or matters being dealt with by the Family Law Court.

### 3. Definitions

**Attendance roll:**

Any and all hard copy documents or electronic records, which in some way record both the attendance and non-attendance of a child at school, scheduled sessions at the school and / or an approved educational course.

**Authorised person:**

A person appointed by the chief executive under section 67(government) of the Act.

**Department's record keeping system:**

The database used in the Department to record details of student enrolments, attendance and related matters. This is currently known as MAZE.

**Parent:**

A person having parental responsibility for a child under the *Children and Young People Act 1999*, including a person who is a carer under the *Children and Young People Act 1999*, section 5, i.e. a person who provides regular and substantial care for the child or young person.

**Strict liability offence:**

An offence that does not require proof of negligence or intent. It applies irrespective of a person taking reasonable care.

**Student:**

A person who is enrolled as a student in a school in accordance with s33 of the Act.

### 4. Enrolment Procedures

4.1 At the time of enrolment of the child, proof of residency, in the form of an electricity account, tenancy agreement, current driver's licence or similar, must be shown to the principal of the school, or the principal's delegate. Proof of age and identity (e.g. a birth certificate or passport) and immunisation records must also be shown to the principal, or the principal's delegate, at the time of enrolment. See also 4.11.

4.2 Parents/carers will be asked to update student residential data at the beginning of each year.

#### Unique Identification Numbers

4.3 All schools will be allocated a block of unique identification numbers (ID numbers). These ID numbers must be used by the school when enrolling a child.

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**Enrolment and Attendance at Government Schools**

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- 4.4 The unique identification number will also be used when a child is provisionally registered or registered for home education.
- 4.5 This identifying number will remain the same throughout the child's education in the ACT even when the child changes schools, moves between the government and non-government sectors or is home educated at any point.

#### **Keeping of registers and records of enrolments and attendances**

- 4.6 The Act provides for the keeping of registers and records of enrolment in schools and attendance at school in sections 32 and 33. Section 33 (1) (b) of the Act requires that a record of the attendance or non attendance of a student must be kept for every day when the school is open.
- 4.7 Attendance rolls must clearly show whether the child was present and if not, the reason for the absence in all cases (see 4.14).

#### **Entering of data in registers of enrolments and records of attendance**

- 4.8 The central register of enrolment and attendance will be kept by the Department on the Department's record keeping system. Enrolment information should be entered directly onto the Department's record keeping system by the school.

#### **Information to be entered**

- 4.9 As specified in Section 33(1) of the Act, the principal must ensure that the following information is entered in the register of enrolments and attendances:
- the full name of each child enrolled at the school or course
  - a record of the attendance or non-attendance of the child at the school or course on every day when the school or course is open for attendance.

#### **Name under which a child is enrolled**

- 4.10 The entry of enrolment on the Department's record keeping system must indicate the birth certificate name of the student. It is this name under which the student is officially enrolled.
- 4.11 If however one of the following conditions apply, principals can enrol students under an alternative name or change existing records to indicate the new name:
- a signed consent from both parents indicating approval to use the new name is provided
  - a court order is provided authorising the use of the new name
  - a statutory declaration is provided by the enrolling parent indicating that the child has had no contact with the other parent for a period of five years and his or her whereabouts is unknown
  - a signed consent from one parent and proof that the other parent is deceased. (This can take the form of a statutory declaration by the enrolling parent or a death certificate)
  - a birth certificate issued in the new name
  - proof of adoption.

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- 4.12 Where one of the above conditions cannot be met, no change of name is to be made and the parent requesting the name change is to be informed that no change will be made until one of the conditions can be met.
- 4.13 If a parent raises a concern about their child being known under another name with a principal, the parent should be advised that a further change would only be made if there is a court order or written agreement of both parents.

#### Keeping of attendance rolls / class lists

- 4.14 To ensure consistency in the keeping of attendance rolls, all schools must employ the following codes, when recording absences and the reason for absences:

**NB: these codes are consistent with the Department's record keeping system and will be used when entering and retrieving data or generating reports.**

CODE	REASON	NOTES
\	Attended in the morning	Physically present in the morning or only during the first part of a scheduled session.
/	Attended in the afternoon	Physically present in the afternoon or only during the last part of a scheduled session.
X	Attended entire day	Physically present at roll call or for the whole of a scheduled session.
L	Absent with parental approval	The school has received an explanation for the absence.
A	Absent without approval	The school has not received an explanation for the absence.
S	Illness	Absence due to an illness, injury or other medical condition.
C	Cancelled Class	The school cancels a timetabled class.
E	Excursion	Attending any excursion organised by the school.
P	Partial attendance - Late	The school should develop and implement a late policy that can be applied in a fair and consistent manner.
Z	Suspended	This is a formal process of withdrawing students from school if their behaviour contravenes the school's established Student Management and Welfare Policy and Procedures.
W	Work Experience	Attending work experience as part of the school program.
I	Absent at an alternative sanctioned program	Schools will need to develop a list of alternative sanctioned programs and inform staff of what they are and when students are expected to be attending them (e.g: music or dance lessons, religious education classes, AIS students, articulated courses, learning centre, partial home education etc.).

4.15 Attendance rolls provided to a class teacher must be marked each scheduled session as per below:

- preschools, each preschool session, regardless of the length of time of the session
- primary schools, the morning session and the afternoon session
- high schools and colleges, each timetabled class or activity.

## 5. Religious Education

5.1 Written permission from parents is required for children to attend religious education classes.

5.2 Written permission from parents is required for children to be exempt from any school activity that involves songs and other material based on religious values.

5.3 Written permission must be provided on an annual basis for each child.

## 6. Graduated return to school

6.1 When a child is on a graduated return to school (after an absence due to illness or for other reasons), s/he should be marked present for the time spent at school and absent with parental approval for the time not at school.

6.2 The status of the child as a child on graduated return should be recorded on the child's file held by the school.

## 7. Management of records

7.1 Principals have a responsibility to ensure that records of all enrolments and attendance rolls are made in accordance with Division 2 of the *Territory Records Act 2002* which outlines agency responsibilities in relation to record management by making and keeping records and ensuring accessibility of information. (A copy of the Act is available at: [www.legislation.act.gov.au](http://www.legislation.act.gov.au) )

7.2 All records pertaining to enrolment and attendance must be available for inspection by an authorised person, on production of an authorised person's card. This is a legal requirement under Section 34(1) of the *Education Act 2004*. The principal must comply with such a request, as failure to do so is a strict liability offence and may incur a fine. Other action may also be taken e.g. disciplinary action.

7.3 Section 34(2) of the Act states that the chief executive or an authorised person may request access to stated information about enrolments or attendances of children at the school or course during a stated period of time. Principals must comply with such a request, as failure to do so is a strict liability offence and may incur a fine.

7.4 Section 34(3) of the Act states that an authorised person may make copies of the register of enrolments and attendances or any part of that register.

7.5 Principals are required, under Section 34(4) of the Act, to take reasonable steps to assist the authorised person in exercising his/her functions in regard to the inspection of registers of enrolment and attendance. Failure to do so is a strict liability offence and may incur a fine.

## **8. Compulsory Attendance of School-age Children**

8.1 Under Section 11 of the Act, it is the parents' responsibility to ensure that a child who lives in the ACT, is of compulsory school age and is enrolled at a school attends:

- the school on every day, and during the times on every day, when school is open for attendance, and
- every activity of the school (including attendances at an approved educational course) that the school requires the child to attend.

8.2 Parents must have a reasonable excuse for not complying with the compulsory attendance requirement in the Act.

8.3 If parents do not have a reasonable excuse, they are liable under the Education Act and may be fined. This is a strict liability offence.

8.4 Examples of a 'reasonable excuse' for a child's absence might include:

- illness, including recovery from major illness, injury or medical condition
- medical or dental treatment
- bereavement
- religious or cultural observation
- family holidays or extended visits overseas
- attendance at a wedding
- attendance at court or other legal hearings or meetings associated with hearings
- participation in sanctioned debates, eisteddfods, sports, musical or theatrical productions not directly arranged by the school
- participation in interstate, national, or international sporting event or equivalent
- sanctioned extended absence in relation to children of travelling families

8.5 Section 12 of the Act applies where the chief executive believes on reasonable grounds that:

- (a) a child of compulsory school age lives in the ACT; and
- (b) the child is not enrolled at a school or registered for home education.

8.6 Section 12(2) of the Act states that the chief executive may give written notice to a parent of the child requiring the parent to give the chief executive the details about the child stated in the notice within 7 days after the day the parent receives the notice.

8.7 If the chief executive gives notice to the parent, the parent must comply with the notice. Failure to do so is a strict liability offence and may incur a fine.

## **9. Encouraging school attendance and individual schools' attendance procedures**



- 9.1 Based upon the provisions of the Act, schools should develop their own school-based attendance procedures, which, where possible, should be negotiated with the school's community.
- 9.2 The school-based procedures should clearly state the school's policy on attendance recording, monitoring and follow up processes, including the ways in which the school will work together with the students, parents, teachers and the wider community to encourage regular attendance (refer to Section 35 of the Act).
- 9.3 The principal will assess regular school attendance on a case by case basis having due regard for the individual circumstances of each child.
- 9.4 The school attendance policy should be communicated to students, parents and staff at least each semester.
- 9.5 Schools need to provide the information on attendance procedures to new staff when they commence at the school and to relief teachers at the commencement of employment.
- 9.6 Individual school policies should clearly outline the procedures for principals in notifying parents of non-attendance of a child.
- 9.7 Principals should be aware that the responsibility for attendance of a child lies with the parents under the Act.
- 9.8 A school's policy should include provision of support and strategies to work closely with appropriate individuals, parents and community organisations having regard for social, cultural and religious factors associated with indigenous children, children from culturally and linguistically diverse backgrounds and socially disadvantaged children.
- 9.9 The Act mandates that principals must refer parents and children to support services when school procedures encouraging attendance are not successful (see Section 35(2)).
- 9.10 Further, it provides for the principal to require the parents and the child to meet with an authorised person (see Section 35(3)).
- 9.11 The role of the authorised person will vary in each case, depending on individual circumstances. The principal will contact the relevant schools director to discuss the individual needs of the child and negotiate the involvement of an appropriate authorised person.
- 9.12 The school attendance policy should state procedures for pre-arranged absences. Forms for pre-arranged absences should be available at a central place in the school. These forms are for the convenience of the school and students and not for departmental data collection. Substitute educational materials might be made available to children in some instances.

**Policy Owner:** Directors Schools

**Related Policies**

- Approved Education Courses: Government
- Authorised Persons
- Review of Decisions
- Enrolment in Colleges
- Enrolment in Government Primary and High Schools
- Excursions
- Exemption from Enrolment
- Family Law and the School
- Family Law Guidelines
- Home Education Manual
- Infectious Diseases – Outbreak procedures and exclusion periods
- Parents and Carers as Partners in Schooling
- Student Management and Welfare
- Student Record Keeping
- Student Transfer Register
- Suspension, Exclusion and Transfer: Government Schools

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