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Submission to

**AUSTRALIAN SENATE STANDING
COMMITTEE ON COMMUNITY AFFAIRS**

***Inquiry into Social Security and Veterans'
Entitlements Legislation Amendment
(Schooling Requirements) Bill 2008***

November 2008

Introduction

The introduction of the *Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008* will see the implementation of the School Attendance and Enrolment Pilot commencing from January 2009. The pilot will operate in six Northern Territory communities and two metropolitan locations – Cannington in Western Australia and one other site, yet to be announced. State education authorities or schools will have discretionary powers to notify Centrelink of a child's non-attendance at school.

However, the legislation itself is not limited to the pilot and would allow the operation of such a proposal to the broader population who are also in receipt of the types of income support payments referred to in the Bills Digest, namely the Age Pension, Disability Support Pension, Parenting Payment – Single, Newstart Allowance, Sickness Allowance, Parenting Allowance – Partnered, Youth Allowance, Austudy Payment, Age Service Pension, Partner Service Pension, Invalidity Service Pension, Defence Force Income Support Allowance and Income Support Supplement.

Therefore, this submission provides information on Queensland's legislative and policy context in relation to the management of student enrolment and absences as well as issues which may arise from the application of the Federal legislation in the broader Queensland context.

At present, Principals in Queensland schools are able to recommend that a parent be prosecuted where they fail to ensure that their child/children are enrolled and attending school as required. However, such a recommendation to prosecute a parent is taken as a last resort and only after all other mechanisms have been exhausted. In the first instance schools provide support and encouragement for students and their families to address attendance problems in a non-adversarial manner.

With the exception of the *Family Responsibilities Commission (FRC) Act 2008*, current legislation and policy in Queensland separates the practices of schools in addressing enrolment and attendance issues from enforcement measures related to social security entitlements.

Granting principals discretionary powers to provide attendance notices to Centrelink creates a range of operational issues for the Department of Education, Training and the Arts (DETA) and schools. There is also potential for inconsistency in practice across schools in relation to reporting to Centrelink unless clear guidelines are provided.

DETA believes that there are a number of issues to be addressed in the implementation of the Bill and wishes to make some recommendations to achieve consistency between States and Territories. These recommendations are that:

1. the terms 'attendance' and 'absence' and 'reasonable excuse' be defined and are at least consistent with existing practices in State schools;
2. there are clear and consistent procedures developed to facilitate referrals to Centrelink by Principals;
3. threshold limits be established for the number of absences per time period which would trigger a notification to Centrelink and the number of occasions in a time period that Principals should notify Centrelink;
4. consultation with states and territories occur in the development of the Guidelines; and
5. Advice to Principals on the implications of them reporting to Centrelink should be fully explained prior to the commencement of the reporting process and the Commonwealth should bear the burden of any witness costs and expenses.

State legislation concerning non-attendance, non-enrolment of children at school and non-participation in compulsory participation phase

Education (General Provisions) Act 2006

Under the *Education (General Provisions) Act 2006* (EGPA), parents of children of **compulsory school age** have a legal obligation to ensure that their children are enrolled in school and attend for every day of the educational program in which they are enrolled. In Queensland, compulsory school age begins when a child reaches 6 years and 6 months and finishes when he or she turns 16 years old or has completed Year 10, whichever is sooner.

The EGPA also states that parents of students in the **compulsory participation phase** have a legal obligation to ensure that these students participate full-time in an eligible option. The compulsory participation phase starts when the young person is no longer of compulsory school age and ends when the person:

- gains a Senior certificate, Certificate III or Certificate IV; or
- has participated in eligible options for 2 years after a person stopped being of compulsory school age; or
- turns 17.

In Queensland state schools, parents can be required to provide an explanation to their child's school when their child is absent from school. Principals can determine whether an explanation provided by a parent for an absence is reasonable or unreasonable.

While a school or district can recommend that a parent/parents be prosecuted for their child not being enrolled or not attending school, only the Director-General can refer an alleged breach of these obligations to the Queensland Police Service for prosecution.

When a child or young person is registered or provisionally registered for home education, or has an exemption, the compulsory schooling and compulsory participation requirements of a parent do not apply. Parents may also avail themselves of statutory defences relating to whether or not they have a reasonable excuse for the alleged breach.

Family Responsibilities Commission Act 2008

The Queensland Government has committed to implementing the Cape York welfare reforms, in partnership with the Cape York Institute for Policy and Leadership and the Commonwealth Government. The reforms aim to restore social norms and local authority and change behaviours in response to chronic levels of welfare dependency, social dysfunction and economic exclusion in certain communities.

As part of the trial, the Queensland Parliament has passed the *Family Responsibilities Commission Act 2008*, which establishes the Family Responsibilities Commission (FRC). The FRC began operation on 1 July 2008, and as the result of a sunset clause will cease operation on 1 January 2012.

The Commission applies to both Aboriginal and non-Aboriginal community members who have lived in the trial communities for three months. People who could be subject to Commission decisions are those who are:

- welfare recipients, and
- who live (or lived at relevant times) in trial communities.

The four triggers to bring a person before the Commission are:

- the person's child has three absences (full or part days) in a school term without reasonable excuse or a child is not enrolled in school without lawful excuse, or
- the person is the subject of a child safety notification or report, or
- a magistrates court convicts the person of an offence, or
- the person breaches his or her state or council owned housing tenancy agreement (illegal purpose, nuisance, condition report, malicious damage, rent arrears).

The Commission has jurisdiction over welfare recipients who reside in one of the four Cape York welfare reform communities or 'welfare reform community areas':

- Aurukun
- Coen
- Hope Vale, and
- Mossman Gorge.

From 1 July 2008, the FRC Act 2008 Part 4, Division 1, s.40 requires principals to provide an attendance notice to the Commission if a student of compulsory school age who is enrolled at the school is absent from school for three school days (full or part days) in a school term and the principal is not satisfied that there is a reasonable explanation for the child's absences.

The FRC has issued a Guideline on School Attendance, under its legislation, to assist schools in determining whether an absence is explained or unexplained, and whether any explanation provided is reasonable or not reasonable. The guideline sets stricter requirements on students in the trial communities than those applying to students in other state schools under the DETA's policies.

Referrals are also made to the Commission if DETA becomes aware that students of compulsory school age are not enrolled at a school (unless the child has an exemption).

School attendance case managers are also employed in the four trial communities to work with families to prevent absenteeism.

Departmental policies

Education Queensland has a range of policies in place to assist state schools to record, monitor and follow up absences from school including:

- SMS-PR-036: *Roll Marking in State Schools*
- SMS-PR-029: *Managing Student Absences*
- SMS-PR-017: *Enforcement of Compulsory Schooling and Compulsory Participation Phase*

Roll Marking in State Schools policy

The *Roll Marking in State Schools* policy outlines procedures for schools for collecting and recording information about attendance and absences for prep, primary and secondary students. Information on student absences is recorded into the Department's electronic Student Management System (SMS). SMS is the electronic record of information the school holds on the student's attendance and absences and is informed by data gathered from lists such as registers, class rolls, sports rolls, excursion rolls, records of alterations to a student's educational

program, flexible arrangements, exemptions, suspensions, exclusions, vocational education and training as well as advice from parents about student attendance via letter, text message, email or records of conversations.

Reference:

<http://education.qld.gov.au/strategic/eppr/students/smspr036/>

Managing Student Absences policy

The *Managing Student Absences* policy outlines procedures to be taken when the attendance requirements of the compulsory schooling or compulsory participation phase are not met, for part of a day or for longer periods.

Schools use a range of strategies to address student absenteeism and follow up absences with parents including sending SMS messages to parents, making referrals to guidance officers, linking families to local support services and, if required, offering flexible schooling arrangements.

Reference:

<http://education.qld.gov.au/strategic/eppr/students/smspr029/>

Enforcement of Compulsory Schooling and Compulsory Participation Phase policy

The *Enforcement of Compulsory Schooling and Compulsory Participation Phase* policy outlines procedures to be taken by authorised officers of the Department when they become aware that a parent is not ensuring their child is fulfilling the compulsory schooling or compulsory participation requirements of legislation.

Where there are concerns about a child or young person's enrolment or attendance, multiple attempts to contact the parent/s are made. However, where parents of a child of compulsory school age or a student in the compulsory participation phase persist in their failure to enrol their child in school or an eligible option, or to ensure that child's attendance or participation even after formal processes have been implemented, prosecution of the parent for failing to comply with the compulsory schooling or compulsory participation obligations may be recommended.

Prosecution may be brought against a parent:

- only by the Director-General or with the Director-General's consent; and
- only after the parent has received a formal written notice and at least one meeting has been held with the parent (or if a meeting is not possible, a further notice is sent).

However, prosecution will not succeed if the parent can establish a **reasonable excuse** for the alleged breach, in that:

- the child or young person lives with another parent and the relevant parent believes, on reasonable grounds, the other parent is ensuring the compulsory schooling or compulsory participation requirements are being met or
- in all the circumstances, the relevant parent is not reasonably able to control the child or young person's behaviour to the extent necessary to ensure the child or young person meets the attendance requirements.

Reference:

<http://education.qld.gov.au/strategic/eppr/students/smspr017/>

Intervention and truancy prevention measures

Guidelines to address chronic absenteeism, school refusal and truancy

Similar to other states and territories, some Queensland schools struggle with patterns of high student absenteeism and/or truancy, culminating in student disengagement and reduced levels of student achievement. Student absenteeism is a complex issue: there are various types of absenteeism which are most appropriately addressed through a range of strategies.

Absenteeism is best addressed through a range of locally developed strategies that best suit student needs. In most cases, an interagency approach in which schools work with other government departments, including Queensland Police Service, and local non-government organisations to support students and their families is integral to improving school enrolment and attendance.

The Department of Education, Training and the Arts has developed *Guidelines to address chronic absenteeism, school refusal and truancy* to assist state schools to identify and address the different types of absences. The Guidelines recommend a five step model to assist schools with early identification and intervention strategies:

- developing a school attendance policy
- recording and following up student absences
- monitoring student non-attendance and patterns of non-attendance
- developing a positive school culture
- collaborating with other agencies.

The guidelines were developed following an innovative action research project, *Youth Engagement Strategy (YES)*, funded by the Department of Housing, Community Renewal, which explored the complex issues around school attendance in a small number of schools in the Logan area.

Reference:

http://education.qld.gov.au/studentservices/behaviour/docs/guidelines-chronic_absenteeism.doc

Local protocols with Queensland Police Service and other Government agencies

Local Education Queensland districts also work closely with the Queensland Police Service and other government departments to support students and their families with absenteeism/truancy issues. In some instances, protocols between the local police and schools have been developed outlining processes where police detect a child of compulsory school age not attending school. Individual protocols or joint Education and Police projects are currently in place in the Innisfail and Logan areas.

Resources provided to address school truancy

Every Day Counts

Every Day Counts is a state-wide campaign addressing the issue of student attendance at school. The campaign is designed to change parent, community and student attitudes towards school attendance, through raising awareness in the community of the importance of attending school all day, every school day.

Schools can access a suite of materials including parent brochures, posters, postcards and the *Every Day Counts* website to promote the key messages of the campaign.

Reference:

<http://education.qld.gov.au/everydaycounts/>

Potential issues with the passage of the *Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008*

Definitions of student absence and reasonable excuse

The proposed amendments to the legislation gives education authorities (including school Principals) discretionary powers to report to Centrelink a child who is not enrolled in, or attending, school as required by State or Territory law to the satisfaction of the Principal. However, as demonstrated by the National School Attendance Project being conducted by the Department of Education, Employment and Workplace Relations (DEEWR), definitions of attendance and absence, differ from state to state.

The ordinary meaning of 'absence' is as follows: "*not in a certain place at a given time, away*". Using the ordinary meaning could result in a student being classed as "absent" when they are enrolled in a school but where they are physically in a different location, for example a school-based apprenticeship. The ordinary meaning could also result in a student being classed as "absent" when they are enrolled in a school but where a flexible arrangement applies, where an exemption applies or where compulsory schooling doesn't apply.

The Bill gives no guidance concerning the circumstances that would constitute a parent having a 'reasonable excuse' for their child's absence. While it is noted that a principal will use the relevant state or territory policy and provisions, differences in policies and procedures between states and territories will mean variations in the explanations and acceptance of 'reasonable excuse'.

Even within states, explanations of 'reasonable excuse' may differ. As an example, and as noted previously, the Queensland FRC Guideline defines a 'reasonable excuse' differently from existing Education Queensland Departmental procedures.

Non-state schools in Queensland are not required to use DETA's explanation of a 'reasonable excuse'. In the Queensland context therefore, schools would operate within differing thresholds of a 'reasonable excuse' unless a consistent definition is developed and applied for the purposes of this legislation.

It is recommended that the terms 'attendance' and 'absence' and 'reasonable excuse' be defined and are at least consistent with existing practices in State schools.

Reporting to Centrelink by principals

Given that principals will have the discretionary power to provide information to Centrelink on parents whose children have irregular attendance, with the result that their welfare payments may be affected, there need to be very clear and consistent procedures developed to facilitate this process.

It is noted that the new provisions in the *Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008* do not refer to the income supplement payments provided under the *A New Tax System (Family Assistance) Act 1999 (FAA)* – that is, Family Tax Benefit Part A, Part B and Child Care Benefit.

As schools are not aware of those parents within their school communities who are in receipt of income support payments, there is the likelihood that there will be significant over reporting of students to Centrelink as Principals may report all students who they consider are not meeting the attendance requirements. It is not clear whether the Commonwealth has raised this issue with the Federal Privacy Commissioner. It would be desirable for this issue to be considered by the Federal Privacy Commissioner with a view to obtaining advice that might assist in minimising such over reporting.

The implementation of the Bill to a certain targeted population will create a differential model whereby parents in the same school community will receive different sanctions for the absences of their children, which are not considered reasonable. Those parents in receipt of income support payments may face suspension or cancellation of their payments, while those parents in receipt of income supplement payments will not face the same sanctions.

Income measures taken by the Commonwealth will be considered independently from the power to prosecute under s.176 of the EGPA in Queensland. This may lead to some Principals or other Departmental staff avoiding seeking consent to prosecute under State law, which is not a simple process, and instead taking the easier path of reporting to the Commonwealth.

Timing of notifications to Centrelink

The Bill provides no guidance on the frequency of reporting of absences to Centrelink.

Queensland legislation requires students of compulsory school age to attend school on every school day for the education program in which the child is enrolled. In theory, without a threshold number of absences, Principals could notify Centrelink of every student absence, resulting in significant over-reporting and unmanageable workload for Centrelink staff.

There is also presently no guidance in relation to “repeat reporting”, that is, the number of occasions in a time period that a Principal should report to Centrelink. Again, this could theoretically result in a Principal notifying Centrelink every day when a student is absent without an excuse that the Principal deems reasonable.

Under the Queensland FRC Guideline, Principals report to the Commission only once a school term after the student has reached the threshold of three full or part days absence where the principal is not satisfied that there is a reasonable explanation for the absences.

It is recommended that threshold limits be established for:

- the number of absences per time period (for example a term) which would trigger a notification to Centrelink; and
- the number of occasions in a time period that Principals should notify Centrelink.

Development of guidelines

It is noted that Guidelines will be developed by the Commonwealth to explain a ‘reasonable excuse’. It is recommended that the Guidelines also include a range of processes and advice to

provide consistency across schools and States and Territories as far as possible, in relation to a number of matters, including:

- a standard format for reporting to Centrelink;
- the threshold of number of days/part days that would trigger a report to Centrelink; and
- the frequency of reporting by schools in a year.

This Department requests that consultation with states and territories occur in the development of the Guidelines.

In the Department's view, the Family Responsibilities Commission (FRC) Guideline which came into effect for those communities affected by the FRC Act could provide a model for consideration in the broader national context.

Under the FRC Act, four communities in Queensland already have in place a system for referring parents to the Commission whose children are not regularly attending school according to the Commission's Guideline.

Natural justice processes

It is likely that persons subject to income measures as the result of a report by a school Principal will have to be afforded natural justice by the Commonwealth and will inevitably discover the reason the measures were implemented. There is a likelihood that some school Principals will be subject to reprisals from such persons. It is not clear that the amendments will provide sanctions against persons taking reprisal action against such principals.

It is possible that Principals who make reports will find their reports subject to review by the Social Security Appeals Tribunal and they may have to participate in an appeals process. Advice to Principals on the implications of them reporting to Centrelink should be fully explained prior to the commencement of the reporting process and the Commonwealth should bear the burden of any witness costs and expenses.

Guideline No.1 of 2008

School Attendance

INTRODUCTION

1. Background and context

- 1.1 Cape York Welfare Reforms aim to address passive dependence on welfare and rebuild social norms in the communities. The Reforms aim to encourage and support Indigenous people to resume primary responsibility for individual, family and community wellbeing.**
- 1.2 The four Welfare Reform Communities that have signed up to participate in the Reforms are Aurukun, Coen, Hope Vale and Mossman Gorge and associated outstations.**
- 1.3 The establishment of the Family Responsibilities Commission (the FRC) is a key aspect of the Reforms agenda. People from the Welfare Reform Communities will be notified to the FRC if:**
- the person's child is absent for all or part of any 3 school days during a term and the principal is not satisfied that there is a reasonable explanation for the absence;**
 - the person has a child of school age who is not enrolled in school without a lawful excuse;**
 - the person is the subject of a child safety notification;**
 - the person is convicted of an offence in the Magistrates Court, or**
 - the person breaches his or her tenancy agreement – for example, by using the premises for an illegal purpose, causing a nuisance or failing to remedy rent**

arrears.

- 1.4 The FRC will assist individuals to undertake action to address issues such as family relationships, drug and alcohol use, problematic gambling, child safety and wellbeing and family violence. The FRC's focus is on early intervention in order to address individual and family issues before they escalate and require remedial action, although the FRC is likely to also become involved in a range of cases where issues have already escalated.**
- 1.5 Regular school attendance is crucial if the children and young people of the Welfare Reform Communities are to achieve their full potential.**
- 1.6 Absences from school mean that students miss important stages in their education development, causing them to fall behind their contemporaries. Absenteeism contributes significantly to student failure at school.**
- 1.7 For this reason, obligations are being placed on parents¹ in the Welfare Reform Communities to ensure that their children who are of compulsory school age are enrolled in school and are striving for 100% attendance.**
- 1.8 The monitoring and notification of children's absences from school by the school principal or their authorised representative is a key prerequisite to the success of the work of the FRC.**
- 1.9 To enable the FRC to monitor school attendance, the Family Responsibilities Commission Act 2008 (the FRC Act) places an obligation on school principals to notify the FRC when a child has not met the attendance requirements under these Guidelines for School Attendance (the Guidelines).**
- 1.10 The Guidelines provide practical guidance for schools on what the FRC considers to be a fair and reasonable interpretation of school attendance for students.**
- 1.11 The FRC recognises that the Guidelines are, in some instances, inconsistent with existing school attendance policies for state and non-state schools in Queensland. However, the FRC's focus on early intervention means that it would be assisted in its role by receiving early indications of low school attendance, even in some instances where the non-attendance does not breach broader Queensland school attendance policies.**

2. Legislation

¹ The term 'parent' is defined in the Family Responsibilities Commission Act 2008 Schedule, section 6. It generally includes the child's mother, father or another person who has or exercises parental responsibility for the child. A person is not considered the parent of a child if they are only standing in the place of the parent on a temporary basis. A parent of an Aboriginal or Torres Strait Islander child includes a person who, under Aboriginal or Islander tradition, is regarded as a parent of the child.

2.1 Under section 40(1) of the FRC Act, principals of schools in a Welfare Reform Community are required to notify the FRC if:

- **a student is absent from school for all or part of any 3 school days in a school term; and**
- **the principal is not satisfied that there is a reasonable explanation for the absences.**

2.2 The obligation also applies to principals of schools outside the Welfare Reform Communities in situations where the principal is or becomes aware that a student or their parent lives, or at any time after 1 July, has lived in a Welfare Reform Community (section 40(3) FRC Act)².

2.3 Section 40(7) of the FRC Act requires that when considering whether a student is absent, or there is a reasonable explanation for a student's absence, from a school, the principal of the school must have regard to any FRC guidelines relating to matters about student attendance at schools.

2.4 Accordingly, school principals must use these Guidelines to assess whether there has been a reasonable excuse for an absence and therefore, whether the principal should notify the FRC about a student's absence.

3. When must a student absence be notified to the FRC?

3.1 A student absence should be notified to the FRC when:

- **no notice has been provided to the school by the parent of the student; or**
- **the principal is not satisfied that a reasonable explanation for the absence as per these Guidelines has been given.**

GUIDELINES FOR SCHOOL ATTENDANCE

² Principals should rely on school enrolment data to determine whether a student or their parent comes from a Welfare Reform Community

4. General principles

4.1 *Notice of a student absence:*

- *must be given to the principal or teacher at the school by the parent either in writing or verbally by telephone or in person; and*
- *must be given on the day of, or prior to the period of the absence.*

4.2 *If a notice of an absence is not provided in accordance with the principles at 4.1, the absence is an unexplained absence and should be notified to the FRC.*

4.3 *School principals should consider that there has not been a reasonable explanation provided for a student's absence when the explanation given by the parent is not in accordance with these Guidelines.*

4.4 *If it cannot be determined at the time or day of scheduled attendance whether the explanation given for the absence is reasonable, a decision must be made as soon as practicable after the reason for the absence is established.*

5. Illness

5.1 *Parents must notify the school of their child's illness on the day of the child's absence from school otherwise the absence will be recorded as an unexplained absence.*

5.2 *Parents must supply a medical certificate³ if their child is absent due to illness for three or more consecutive days. If the medical certificate is not provided within two school days of the third consecutive day of absence, the absence should be considered unreasonable.*

5.3 *Paragraphs 5.1 and 5.2 do not apply to students from the Welfare Reform Communities who are boarding at schools outside of the communities.*

6. School approved activities (out of class)

6.1 *Attendance at out of class activities is a reasonable explanation for an absence only if:*

- *the parent has given prior notification to the school about the student's attendance at the activity; and*

³ A medical certificate may be obtained from a health practitioner, including a nurse

- ***the activity is consistent with normal activities for school purposes, such as performing in the school band, choir or dance group, participating in inter-school scholastic or artistic competitions, and participating in youth parliament.***

6.2 *Attending leisure activities such as fishing, camping, visiting friends/relatives or shopping should not be considered appropriate reasons for an absence.*

7. Sport

7.1 *Attendance at a sporting events is a reasonable explanation for an absence only if:*

- ***the event is approved or organised by the school (including interschool sporting events); or***
- ***the student is participating at a representative sporting event (regional, state, national and international) and the principal of the school is satisfied the student attended the event.***

7.2 *If school work is prescribed for the child for the duration they are away, a student should be recorded as absent, without reasonable explanation if the student is unable to provide evidence that they have undertaken school work.*

8. Work experience

8.1 *Absence for work experience is a reasonable explanation, only if:*

- ***the student is 14 years or older; and***
- ***the principal is satisfied with the appropriateness and value of the work experience; and***
- ***a work experience agreement has been completed and signed by the principal, the student's parent and the employer.***

8.2 *The work experience agreement must set out the expected attendance by the student at the workplace and create an obligation on the work experience provider to inform the school if the student does not attend. Non-attendance at work experience will be considered an absence, and reported by principals to the FRC.*

9. Suspension

9.1 *A student who has been suspended from attending school should be recorded as absent without a reasonable explanation for each day of the suspension, if:*

- *the student has been suspended from school for 1 – 5 consecutive days, and the student is unable to provide evidence that they have undertaken any school work prescribed by the school;*
- *the student has been suspended from school for 6 to 20 consecutive days or suspended with a recommendation for exclusion, and the student does not attend any alternative education program prescribed by the school.*

10. Funerals

10.1 *The number of days a child is absent on the passing of an a family member (eg. parent, grandparent, sibling or primary carer), is to be negotiated between the school principal or his/her representative and the child's parent balancing the child's overall welfare with their educational needs⁴.*

10.2 *If the student is absent for more than the negotiated time of absence, it is to be recorded as an unexplained absence.*

11. Holidays

11.1 *If a student is absent to take a holiday outside of gazetted school holiday periods is to be recorded as an absence without reasonable explanation.*

12. Legal responsibilities

12.1 *The parent or guardian of the student must notify the school principal in writing of the need for leave where the student is required to be absent from school to fulfil legal or other similar requirements, such as attending court hearings. Leave to fulfil legal obligations, without notifying the school principal must be recorded as an unexplained absence.*

⁴ Further consultation will be undertaken through the CYI with community members on the sensitive issue of absences for funerals. The Guidelines may be updated to reflect the community views expressed during the consultation process.

12.2 *If a parent or guardian is required to leave the community for legal reasons, the parent must take all reasonable steps to make alternative arrangements that would allow the student to attend school, such as being cared for by a relative. An absence for legal reasons should only be considered to be a reasonable explanation where it is not possible for the parent to make reasonable alternative care arrangements that would allow the child to continue to attend school.*

12.3 *When a student is absent for legal reasons, the school should prescribe school work for the child for the duration they are away. An unexplained absence should be recorded where:*

- *the student is unable to provide evidence that they have undertaken school work prescribed by the school in such circumstances or*
- *the parent has not notified the principal prior to the event about the required legal attendance commitment and the lack of alternative child care arrangements.*

13. Other absences

13.1 *Absences for other reasons should be notified to the FRC if the principal is not satisfied there is a reasonable explanation for the absences.*

13.2 *Absences for the following reasons should not be considered appropriate reasons for an absence:*

- *an absence to engage in leisure activities such as fishing, camping or shopping;*
- *an absence to visit friends/relatives, including for a birth, injury or illness;*
- *an absence to visit homelands or outstations;*
- *an absence due to the parent not being aware it is a school day;*
- *an absence due to the student not wanting to go to school;*
- *an absence to the student being too tired to go to school;*
- *an absence due to the student's family not having any food for breakfast or lunch;*
- *an absence due to the student missing the school bus;*
- *an absence due to inclement weather (except where the weather conditions cause the closing of the school); and*
- *an absence due to the student not having a uniform, or a clean uniform, to wear.*

14. Boarders – returning to school from community following illness and holidays

14.1 *An unexplained absence should be recorded if a student does not return to school*

from holidays, or from an absence due to illness, on the date agreed with the school principal, unless the principal is satisfied there is a reasonable explanation for the absence.

- 14.2** ***An example of a reasonable explanation would be where the student's travel arrangements were disrupted because of a matter outside of their control, such as a cyclone.***
- 14.3** ***In such cases, the parent or legal guardian of the student is to contact the boarding school or before the scheduled day of return notifying that the child cannot return at this time due to unavoidable circumstances. If no contact is made by the parent or guardian with the school, an unexplained absence should be recorded.***
- 15. Contact**
- 15.1** ***For information on the Guidelines, please telephone Ms Tammy Sovenyhazi, Registrar on (07) 4057 3862.***

David Glasgow

ATTACHMENT 2

Guidelines for determining whether excuses for student absences are considered as 'reasonable excuses'

Pursuant to s176(1) of the *Education General Provisions Act (EGPA) 2006*, each parent of a child who is of compulsory school age must ensure that the child is enrolled and attends school on every school day for the educational program in which the child is enrolled unless the parent has a reasonable excuse. Pursuant to s239(1) of the *Education General Provisions Act (EGPA) 2006* a parent of a young person in the compulsory participation phase must ensure the young person is participating full-time in an eligible option, unless the parent has a reasonable excuse.

A student who is participating in one of the following activities must be recorded as not physically present at the school site but will not be considered absent from school, in the following circumstances:

School activity (Absence Reason Code A) - A student will not be considered absent when they are participating in an authorised activity for school purposes. The activity may be off school grounds. Activities may include students performing in the school choir, band or dance group, students participating in a youth parliament or council or a student undertaking community service.

Excursion (Absence Reason Code C) - A student will not be considered absent when they are participating in an excursion which occurs outside the school grounds and is conducted, organised and/or approved by the school. Excursions could include part-day, day or multi-day class visits to venues outside the school or school camps.

Off Campus Activity (Absence Reason Code F) - A student will not be considered absent if they are participating in an authorised activity that is away from the school campus. These activities may include flexible arrangements, attendance at a TAFE or other training provider course, or participation in a school-based apprenticeship or traineeship. These activities will be regular and ongoing in nature.

Sport (Absence Reason Code S) - A student will not be considered absent when they are representing their school, district, region, state or country at a sporting event approved by the school.

Work experience (Absence Reason Code W) - A student will not be considered absent when they are participating in a work experience program approved and organised by the school. Work experience programs are available for students 14 years or older. Schools must ensure the appropriate work experience agreements have been completed before students undertake work experience.

Students undertaking these activities must be coded as attending one of these activities.

The following circumstances will be considered absences for which a reasonable excuse has been given:

Illness (Absence Reason Code I) - It is reasonable that a child may be absent from school when they are genuinely too ill to attend. On any single day of absence due to illness, or within two days of the student's return to school, a parent should provide the school with an explanation for the absence, in line with the schools agreed processes for notifying of student absence. This may take the form of a written explanation note containing the student's name, date/s of absences and reason for absence, a verbal explanation through either a phone call or visit to the school, or a medical certificate.

Pursuant to s201 of the Education General Provisions Act 2006, the compulsory schooling requirement does not apply to a child where the child is too ill to attend school for a period of not more than 10 consecutive school days. If a child who is prevented by illness from attending school for a period longer than 10 consecutive school days, the chief executive (or delegate) has the power to grant an exemption from compliance with the requirements of compulsory schooling or compulsory participation. Principals have the delegated power to grant an exemption from the requirement of attendance at a State school where the exemption will apply for less than one year.

Infectious or contagious disease (Absence Reason Code I) - It is a reasonable excuse for a child to be absent from school if the child is, or is a member of a class of persons, that is subject to a direction or order given about an infectious or contagious disease or condition.

Medical or dental treatments or procedures (Absence Reason Code O) - It is reasonable for a student to be absent to attend a medical or dental appointment. This should be documented through the provision of a written or verbal explanation from a parent.

Sport (Absence Reason Code S) - Principals should use their professional judgement to determine if it is reasonable for a student to be absent from school to participate in a sporting event where they are not representing their school, district, region, state or nation, taking into consideration the type of event and the organising sporting body.

Suspension - For a State school student a suspension is a reasonable excuse for absence and the following applies:

- if a student is suspended for 5 days or less (**Absence Reason Code P**) the school's principal must take reasonable steps to ensure the student is given school work to complete during the suspension;
- if a student is suspended for 6 to 20 (**Absence Reason Code Q**) days the school principal must arrange for the student 's access to an educational program that allows the student to continue with the students educational program during the suspension;
- if the student is suspended with a recommendation for exclusion (**Absence Reason Code R**) the school principal must arrange for the student 's access to an educational program that allows the student to continue with the students educational program during the suspension.

Exemption (Absence Reason Code O) - An exemption from compulsory schooling is a reasonable excuse for absence, where the exemption has been granted by the chief executive (or delegate) of the Department of Education, Training and the Arts.

Apprentice or trainee under the VETE Act (Absence Reason Code O) - It is a reasonable excuse for a child to be absent from school if an arrangement has been made for the child to become an apprentice or trainee under the VETE Act.

Law of the Commonwealth (Absence Reason Code O) - It is a reasonable excuse for a child to be absent from school if a Law of the Commonwealth allows a child to carry on an activity other than attending school.

Funeral (Absence Reason Code O) - Attendance at a funeral or to attend to sorry business or sorry meetings may be considered as a reasonable excuse for absence. Parents should be encouraged to ensure their child misses as little school as possible.

There may also be circumstances where a child is kept out of school due to grief of a close family member. In such circumstances, the school should work with families to encourage them to have the child attend school to maintain a sense of normalcy. These situations should be handled with respect and sensitivity and should be underpinned by the interests of the child.

Legal (Absence Reason Code O) - It is a reasonable excuse for a child to be absent from school where the child is required to attend court or fulfil other legal requirements.

Holiday (Absence Reason Code H) - Parents should be encouraged to plan holidays for students during gazetted school holiday periods and pupil free days. Principals should use their professional judgement in determining whether a holiday is a reasonable excuse for a student absence, taking into consideration family circumstances, distance to be travelled, length and frequency of holidays. Pursuant to s189 of the EGPA, if a child cannot attend school (or participate in any eligible option), or it would be unreasonable in all the circumstances to require the child to attend school (or participate in any eligible option), the chief executive (or delegate) has the power to grant an exemption from compliance with the requirements of compulsory schooling or compulsory participation. A principal has the delegated power to grant an exemption from the requirement of attendance at a State school where the exemption will apply for less than one year.

The following circumstances will be considered absences for which there is NOT a reasonable excuse given:

Unexplained absence (Absence Reason Code U) - When no explanation for a student absence has been offered to the school by the parent, or the student if they are living independently, unexplained absence should be recorded in SMS with the Code U.

Leisure activities (Absence Reason Code J) - Undertaking a leisure activity such as shopping, visiting friends and relatives, fishing or camping, is not considered a reasonable explanation for an absence from school. These absences should be recorded in SMS with the Code J.

Any other reason for absence (Absence Reason Code J) - The principal should use their professional judgement in determining whether other reasons not contained in this document given by the parent, or the student if they are living independently, are reasonable explanations for a student's absence. If the reason given is not a reasonable excuse the principal should document the decision and record the absence with the Code J.