



Managing Student Absences and Enforcing Enrolment and Attendance at State Schools

Version Number

4.1

Implementation Date

22/08/2016

Scope

All state schools

Purpose

Procedure for managing student absences and enforcing parents' obligations to ensure children are enrolled and attend school on every school day or participate full time in their eligible option.

Overview

Each parent of a child who is of compulsory school age has the legal obligation to ensure their child is enrolled and attends a school, on every school day for the educational program in which the child is enrolled, unless the parent has a reasonable excuse.

A child should be enrolled in and attend school in the year that they turn compulsory school age (six years and six months).

Each parent of a young person in the compulsory participation phase has the legal obligation to ensure that the young person is participating full-time in an eligible option, unless the parent has a reasonable excuse.

Parents may be prosecuted if they do not fulfil their legal obligations in regard to enrolment and attendance of their child at school, or participation in an eligible option. An authorised officer from either a school or region can seek consent from their Regional Director to refer a case to the Queensland Police Service to consider prosecution. However there are a range of [circumstances where the legal obligations of parents do not apply](#). For clarity, it is recommended that separate notices and General Briefing Notes are prepared for each individual child (or young person).

From time to time a student may be absent from their educational program. Parents comply with their compulsory schooling or compulsory participation obligation by providing a [satisfactory reason](#) for these absences, unless the student is an adult or it is not appropriate to contact the student's parents, in which case an explanation should be sought directly from the student. Parents should provide a reason for a child's absence either before or on the day of the absence, or as soon as practicable.

Early identification of students whose attendance is not regular is crucial to minimising student absences. [Every Day Counts](#) provides a five step process for improving school attendance. Schools must notify parents of an *unexplained absence* of their child as soon as practicable on the day of the student's absence (allowing time for parents to respond prior to the end of the

school day), with continued follow up as practicable with parents. Schools and regions may need to work closely with other agencies to support parents to meet their obligations in regard to the enrolment and attendance or participation of their child.

Prep is the first year of schooling in Queensland. While it is expected that students who are enrolled in Prep attend full-time, there is no legal obligation to do so where the student is below compulsory schooling age. Accordingly, the prosecution process does not apply to parents of students in Prep unless their children are of compulsory schooling age. Where there are attendance issues with Prep students, schools should emphasise the importance of attending Prep every school day through discussions with parents.

Schools should treat a student's enrolment as having ended, and record it as such, only if one or more of the following circumstances arise:

- student has graduated
- student has no remaining [allocation of semesters](#)
- student has been [excluded](#) or their enrolment cancelled under the [Education \(General Provisions\) Act 2006 \(Qld\)](#)
- student has enrolled in another (state or non-state) school and the enrolment is not part of an approved [flexible arrangement](#)
- there is reasonable evidence that the student enrolled in another educational institution (e.g. TAFE) or with a Registered Training Organisation and this is equivalent to full-time schooling, and the student has ceased attending school. This does not apply to student enrolled in Youth Detention Education and Training Centres or students attending a hospital school.
- there is reasonable evidence that the student has left school to undertake a full-time apprenticeship or traineeship or, for compulsory participation phase students only, full-time employment
- student becomes registered for [home education](#)
- student has permanently moved interstate or overseas with no intention of returning
- parent (or student if they are independent) has told the school that the student's enrolment has ended and the student ceases attending*. This does not apply to student who cease attending their school because they are in youth detention or attending a hospital school, or where conflicting instructions are given to the school by the parents**.
- student is deceased.

*Where a student has ceased to attend school and is not enrolled in another school, educational institution or with a Registered Training Organisation, and is not registered for home education (or undertaking full-time employment for a student in the compulsory participation phase), the region should pursue the failure to enrol process.

**In relation to Family Law disputes, where parents' instructions to the school regarding the student ceasing to attend are conflicting, the school should not end the enrolment until one of the other circumstances above applies.

For principals in the communities of Aurukun, Coen, Doomadgee, Hopevale and Mossman Gorge additional processes apply in respect of failure to enrol or attend under section 41 of the [Family Responsibilities Commission Act 2008 \(Qld\)](#) (FRC Act).

Responsibilities

Authorised Officers in Schools (Principals, Deputy Principals, and Head of Campus):

- inform parents of their legal obligations about enrolment and attendance
- implement strategies to manage student enrolment, absences, chronic absenteeism, school refusal and truancy using [the five step approach to addressing student absenteeism](#) and the [Every Day Counts materials](#)
- monitor student absences and identify when a student is absent for three or more

consecutive days, or where there is a pattern of persistent unexplained absences, or where a student's attendance rate is reasonably considered unsatisfactory

- notify parents of an unexplained absence of their child as soon as practicable on the day of the student's absence (allowing time for parents to respond prior to the end of the school day)
- continue to follow up unexplained absences as practicable with parents
- continue to work with regional office staff and other local resources to engage with the student and their family with the aim of returning the student to school
- follow appropriate processes for enforcing parental obligation in regard to:
 - [attendance](#)
 - [compulsory participation](#)

Authorised Officers in Regions:

- undertake an initial enrolment search in OneSchool to determine if a student is presently enrolled at a state school
- request Performance, Monitoring and Reporting Branch to undertake comprehensive statewide searches to determine if a student is enrolled at a state school
- check if student is registered for home education with the Home Education Unit
- follow appropriate processes for enforcing parental obligation in regard to:
 - [enrolment](#)
 - [attendance](#)
 - [compulsory participation](#)
- keep a central record of prosecutions relating to failure to enrol or failure to participate that have been referred to the Queensland Police Service. Record prosecutions for failure to attend in OneSchool.

Legal and Administrative Law Branch:

- if legal advice is required:
 - consider and provide advice to regional officers on General Briefing Notes (GBNs) seeking consent to prosecute
 - assist regional officers with any additional requests made by the Queensland Police Service.

Regional Directors:

- decide whether to consent to prosecute for failure to enrol, or failure to attend or participate, including for Independent Public Schools in their region.

Process

Authorised officers in state schools and regions:

[Processes for enforcing parental obligation that a child of compulsory school age is enrolled at a state school](#)

[Processes for enforcing parental obligation that a child of compulsory school age attends on every school day, for the educational program in which the child is enrolled](#)

[Processes for enforcing parental obligation that a young person in the compulsory participation phase participates full-time in an eligible option](#)

Online Resources

Forms and Templates

Failure to enrol - Students of compulsory school age

- [Form 1 – Failure to enrol \(s178\(2\)\) – Notice](#)

- [Form 2 – Failure to enrol \(s178\(4\)\) – Warning Notice](#)
- [Template 3 – Failure to enrol - General Briefing Note](#)

Failure to attend - Students of compulsory school age

- Forms 4 and 5 and Template 6 (General Briefing Note) are available in OneSchool (Enforcement of Attendance)

Failure to participate in compulsory participation phase

- [Form 7 – Failure to participate \(s241\(2\)\) – Notice](#)
- [Form 8 – Failure to participate \(s241\(4\)\) – Warning Notice](#)
- [Template 9 – Failure to participate - General Briefing Note](#)

Supporting documents

- Same day student absence notification - [frequently asked questions](#)
- Same day student absence notification - [checklist for principals](#)
- Same day student absence notification - [flowchart](#)
- Same day student absence notification - [sample communications for schools](#)
- Same day student absence notification - [example of the process for a large school](#)
- Same day student absence notification - [example of the process for a medium-sized school](#)
- Same day student absence notification - [example of the process for a small school](#)
- [Addressing student absenteeism – Five step approach for schools](#)
- [Delegation of the Director-General’s Powers under the Education \(General Provisions\) Act 2006 \(Qld\)](#) - refer to sections 179, 242 and 432
- [Director-General signed Instrument of Authorisation](#)
- [Director-General’s Guideline for authorised officers on how to determine whether parents have a reasonable excuse for the purposes of ss.176 and 239 of the Education \(General Provisions\) Act 2006 \(Qld\) – 01/2015](#) (DG_signed_guideline.pdf)
- [Circumstances where the legal obligations of parents do not apply](#)
- [QPS referral letter – failure to attend](#)
- [QPS referral letter – failure to enrol](#)
- [QPS referral letter – failure to participate](#)
- [Letter template for regions to non-state schools checking if a student is enrolled \(compulsory schooling\)](#)
- [Alteration to a Student’s Education Program](#)
- [Every Day Counts](#)
- [Every Day Count in Prep brochure for parents](#)

Review Date

1/07/2018



Definitions

From [Education \(General Provisions\) Act 2006 \(Qld\)](#)

Parent (section 10)

1. A parent, of a child, is any of the following persons—

- a) the child’s mother;
- b) the child’s father;

c) a person who exercises parental responsibility for the child.

2. However, a person standing in the place of a parent of a child on a temporary basis is not a parent of the child.

3. A parent of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent of the child.

4. A parent of a Torres Strait Islander child includes a person who, under Island custom, is regarded as a parent of the child.

5. Despite subsections (1), (3) and (4), if—

a) a person is granted guardianship of a child under the [Child Protection Act 1999 \(Old\)](#);
or

b) a person otherwise exercises parental responsibility for a child under a decision or order of a federal court or a court of a State;

then a reference in this Act to a parent of a child is a reference only to a person mentioned in paragraph (a) or (b).

Compulsory school age (section 9)

1. A child is of compulsory school age if the child is at least 6 years and 6 months, and less than 16 years.

2. However, a child is no longer of compulsory school age if the child has completed year 10.

Compulsory participation phase (section 231)

A young person's compulsory participation phase starts when s/he stops being of compulsory school age (i.e. turns 16 or completes Year 10 whichever comes first) and ends when the person:

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

Eligible option (section 232)

An eligible option is a recognised education or training program or course, offered by a recognised provider, which will enable a young person to gain a Certificate of Achievement, Senior Statement, and/or a Certificate III or IV. Eligible options and providers are listed in the following table:

Eligible Option	Provider
an educational program provided under the Education (General Provisions) Act 2006 (Old)	a State school
an educational program provided under the Education (Accreditation of Non-State Schools) Act 2001 (Old)	a non-State school
a course of study under the Tertiary Education Quality and Standards Agency Act 2011 (Cwlth)	a registered higher education provider
a vocational education and training course provided under the Vocational Education and Training Regulator Act 2011 (Cwlth)	a registered training organisation
an apprenticeship or traineeship under the Further Education and Training Act 2014 (Old)	a registered training organisation
a departmental employment skills development program under the Further Education and Training Act 2014 (Old)	the chief executive administering the <i>Further Education and Training Act 2014 (Old)</i>

Authorised Officer

Refer to the relevant [Instrument of Authorisations](#)

Unexplained absence

When no explanation for a student absence has been offered to the school by the parent, or the student if they are living independently.

















Authority

- [Education \(General Provisions\) Act 2006 \(Qld\)](#)
Chapter 9 Parts 1, 3, 4; Chapter 10 Parts 1- 5; Section 426
- [Education \(General Provisions\) Regulation 2006 \(Qld\)](#)
Part 2 Section 8, Part 4








Related Policy Instruments

- [Further Education and Training Act 2014 \(Qld\)](#)
- [Education \(Accreditation of Non-State Schools\) Act 2001 \(Qld\)](#)
- [Tertiary Education Quality and Standards Agency Act 2011 \(Cwlth\)](#)
- [National Vocational Education and Training Regulator Act 2011 \(Cwlth\)](#)
- [Right to Information Act 2009 \(Qld\)](#)
- [Information Privacy Act 2009 \(Qld\)](#)
- [Family Responsibilities Commission Act 2008 \(Qld\)](#)
- [The Code of School Behaviour](#)
- [Exemptions from Compulsory Schooling and Compulsory Participation](#)
- [Flexible Arrangements for School Students](#)
- [Roll Marking in State Schools](#)
- [Enrolment in State Primary, Secondary and Special Schools](#)
- [Home Education in Queensland](#)
- [Safe, Supportive and Disciplined School Environment](#)
- [Management of Prescribed Contagious Conditions](#)

Attachments

-  [Alteration to a student's educational program](#)
-  [Circumstances where legal obligations of parents for compulsory schooling and compulsory participation do not apply](#)
-  [Form 1 - Failure to enrol notice](#)
-  [Form 2 - Failure to enrol warning notice](#)
-  [Form 7 - Failure to ensure participation notice](#)
-  [Form 8 - Failure to ensure participation warning notice](#)
-  [Processes for enforcing parental obligation that a child of compulsory school age attends on every school day, for the educational program in which the child is enrolled](#)
-  [Processes for enforcing parental obligation that a young person in compulsory participation phase participates full-time in an eligible option](#)
-  [Failure to enrol - general briefing note](#)
-  [Failure to participate - general briefing note](#)
-  [Processes for enforcing parental obligation that a child of compulsory school age is enrolled at a state school](#)
-  [QPS referral letter - failure to attend](#)
-  [QPS referral letter - failure to enrol](#)
-  [QPS referral letter - failure to participate](#)
-  [Letter template for regions to non-state schools - check if student enrolled \(compulsory\)](#)
-  [Director-General's Guidelines for authorised officers on how to determine whether parents](#)

[have a reasonable excuse for the purposes of ss.176 and 239 of the Education \(General Provisions\) Act 2006 \(Qld\)](#)

-  [Same day student absence notification - checklist for principals](#)
-  [Same day student absence notification - frequently asked questions](#)
-  [Same day student absence notification - flowchart](#)
-  [Same day student absence notification - example of the process for a large school](#)
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-  [Same day student absence notification - example of the process for a small school](#)
-  [Same day student absence notification - sample communications for schools](#)

Contact

For further information, contact the Principal Advisor, Education Services at your [closest regional office](#).

Central office contact for staff in regional offices:

Legal and Administrative Law Branch

Phone: (07) 3513 5800

Senior Policy Officer

State Schools Division

Phone: (07) 3034 4348

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