

# Victorian Attendance Legislation

## Frequently Asked Questions for Parents and Carers

### Why are there new rules about attendance?

In March 2014, new legislation related to enrolment and attendance came into effect.

For more information on the relevant legislation, see:

<http://www.education.vic.gov.au/school/principals/participation/Pages/attendance.aspx>

Evidence shows that daily school attendance is important for young people to succeed in education and to ensure they don't fall behind both socially and developmentally. 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.

The new laws sets out a process where students with poor attendance can be identified and interventions implemented. The rules are not in place to punish time away from school which was unavoidable or reasonable. Instead, the new laws are an effort to promote and improve school attendance across Victoria.

### What is compulsory school age?

All children aged 6-17 years are required to either be enrolled at a registered school, or registered for home schooling.

In some circumstances a parent can apply to the Regional Director to exempt a child from enrolment at school. For more information see:

[School Policy and Advisory Guide: Exemptions.](#)

### Whose responsibility is it to ensure my child goes to school?

School attendance is mandated under the *Education Training and Reform Act 2006*. It is

the responsibility of parents/ carers to ensure their child regularly attends school.

### How is attendance recorded by schools?

Schools must record student attendance twice per day in primary schools and in every class in secondary schools.

### My child attends a non-government school. Do these requirements still apply to me and my child?

The new rules apply to parents of compulsory school-aged children, and all Victorian Government, Independent and Catholic Schools.

### Processes for following up attendance

#### What is considered as 'poor attendance' for the purpose of the new legislation?

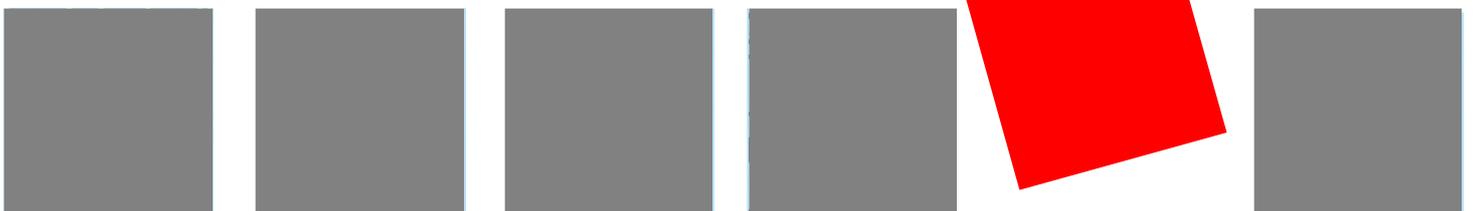
Under the new legislation, if a student reaches five days of unapproved or unexplained absence within a school year then further action can be taken, at the discretion of the principal.

#### What are unexplained or unapproved absences?

A principal has the discretion to approve or not approve any absence, either based on an individual school policy or on a case-by-case basis.

#### Unexplained Absence:

A principal will record an absence as 'unexplained' if no explanation about the absence given to the school by the parent or carer of the student.



If you do not contact the school to provide an explanation on the day of the student absence, the school must attempt to contact you either by phone or in writing within three days to seek a reason for the absence.

If no contact can be made with you or other carers of the child within 10 days, the absence will be recorded as an unexplained absence and also be noted in your child's file. You can contact the principal at any time after the record has been made to provide an explanation.

#### Unapproved Absence:

In general, a principal would record an absence as 'unapproved' when no reasonable excuse has been given for the student's absence. If a reason you give for an absence is not approved by the principal of your child's school you will be notified in writing.

#### **What action will be taken if my child reaches five days of unapproved or unexplained absence?**

If your child reaches five days of unapproved or unexplained absence then the school and principal will work with you to implement appropriate supports or interventions to assist you get your child to school every day.

If, these interventions do not improve your child's attendance, the principal may decide to make a referral to the School Attendance Officer. For more information on the School Attendance Officer, see: [School Attendance Officers](#).

#### **What happens when the referral is made to the School Attendance Officer?**

The School Attendance Officer will investigate the absences and may take one or all of the following steps depending on the circumstances.

- Issue a School Attendance Notice
- Issue an Official Warning
- Issue an Infringement Notice.

#### **I have been issued a School Attendance Notice – what does this mean?**

The School Attendance Notice is not a fine but rather an opportunity for your family to explain the absences and work with your child's school to improve attendance in the future.

The School Attendance Officer will assess your family's response to a School Attendance Notice. For more information, including how a School Attendance Officer assesses your family's response, see: [School Attendance Notices](#).

#### **I have received a School Attendance notice - but my child was not with me on the date listed, what can I do?**

The School Attendance Notice gives you the opportunity to state the parent who the child was living with on the dates of absence. You should complete this part of the notice and return to the School Attendance Officer by the due date outlined on the Notice.

#### **I have been issued with an Official Warning. What does this mean?**

A School Attendance Officer may decide to issue an Official Warning prior to, or instead of issuing an Infringement Notice.

For more information see: [When to Issue an Official Warning](#).

#### **Under what circumstances can I be issued with an Infringement?**

Under the new legislation an Infringement Notice will only be used as a last resort, after other strategies to improve attendance have been implemented and failed.

For more information see: [Infringement Notices](#).

#### **Can I appeal if I think an Infringement Notice has been issued unfairly?**

If you have received an Infringement Notice and you think it has been issued unfairly, you can apply for an internal agency review. For more information on the grounds for review and the process for lodging a review request, visit: [Infringement Notices](#) (see 'Appeals').

#### **How much is the fine?**

Should an Infringement Notice (fine) be issued, it will be half a penalty unit. The monetary value of a penalty unit is calculated by the Treasurer and changes each financial year. Generally, an infringement notice will be approximately \$70

#### **Types of absence**

#### **My child misses lots of school because they are sick, does this mean I will get a fine?**

A genuine illness is considered a reasonable excuse.

While your child is absent, you should continue to update the school on the scenario and work with the school to develop a Student Absence Learning Plan to ensure that the student's educational needs are supported and they do not fall behind in their schoolwork.

You may also wish to discuss other, more flexible, options for accessing an education if it is predicted your child will be absent for long periods of time due to their ill health. Your principal will be able to advise if such arrangements, including Distance Education, are appropriate.

**My child attends remedial tutoring or classes outside school, but during school hours. Will this contribute to absences that lead to me receiving a fine?**

An individual principal has the discretion to decide whether absence caused by attending remedial class or tutoring will be approved or unapproved. In general, it is expected that the family and the school work together to identify the educational needs of the child, and address within the school setting and school hours.

**I want to take my child for an extended holiday during the school term. Is this ok? What can I do to ensure that they are supported to learn? Will I be fined?**

If you are planning an extended holiday, discuss this with your school principal well in advance of finalising any plans. The principal has the discretion to decide whether or not to approve the absence.

If the principal decides not to approve the absence, you should work with the school to decide on a reasonable length of absence or more mutually convenient time for the holiday.

If you decide to go ahead with a holiday during school term despite it being an 'unapproved' absence and the duration of the absence is over five days, the principal may choose to refer the case to the School Attendance Officer for further action, which may result in an Infringement Notice being issued.

If the principal approves the absence, work with your child's school so you support your child's education during their holiday. visit: [School](#)

[Attendance Guidelines - Resources](#) (see: Student Absence Learning Plan)

**My child attends part time due to a disability. Will I receive a fine?**

Full time attendance is compulsory for all students aged 6-17. However, in some circumstances, it may be appropriate for students with a disability to attend school for reduced hours. This arrangement should only be entered into on a short-term basis and only if it is agreed by all parties (school, family, practitioners, regions) that the reduced attendance is in the best interest of the child.

If your child is attending school for reduced hours as part of a plan that both outlines the return to full-time schooling and has been developed in consultation with your child's school, this will be considered an approved absence and will not be referred to a School Attendance Officer.

For more information contact the Disability Coordinator at your closest departmental Regional Office for further advice. See: [Regions](#).

**Without my knowledge, my child skipped school. Will I get a fine?**

Truancy is defined under the Education and Training Reform Act 2006 as absence due to the child's disobedience and not due to any fault of the parent. It is therefore deemed a reasonable excuse and will not count towards the total of unapproved or unexplained absences.

If truancy is a continuing issue for your child you should work with the school to develop plans or strategies to support their continuing engagement in school and to prevent further truancy. For more information on strategies and supports available see: [Strategies to Improve a Student's Attendance](#).

**My child is refusing to go to school. Will I receive a fine? And what can I do to get them back to school?**

School refusal is considered a reasonable excuse for absence and if supports and interventions are being sought, should not count towards unexplained or unapproved absence. It is important in these circumstances that you

clearly communicate your situation and concerns with your child's school.

You should work with your child's school to find the best way to improve attendance in these situations. Schools have the flexibility to modify the school experience for students so that it better caters to their needs, goals and strengths. For more information on the supports and interventions to support your child see: [Strategies to Improve a Student's Attendance](#) and: [My Child Has Anxiety About Going to School](#)

**My child is employed in the entertainment industry and is missing school regularly. Will I get a fine?**

If the child is due to be employed in the entertainment industry at length a School Exemption may be an option. The process for applying for these exemptions is outlined in the School Policy and Advisory Guide. Non-government schools are also advised to follow these procedures. For more information, see: [Attendance - Exemption Application Process.](#)

**I have been issued a School Enrolment Notice. What does this mean?**

All children of compulsory school age (6-17) must be enrolled in school or registered for homeschooling.

If you have been issued with a School Enrolment Notice this means that the School Attendance Officer has become aware that there is no record that your child or children are enrolled in school or registered for home schooling.

The School Enrolment Notice is not a fine. Instead, it is an opportunity for your family to work with the School Attendance Officer to ensure your child is enrolled at school or properly registered for home schooling.

For more information see: [Enrolling Your Child in School or Registering for Home Schooling.](#)