

This procedure must be read in conjunction and interpreted in line with the [Education Participation \(Enrolment and Attendance\)](#) policy.

1. OVERVIEW

- 1.1 The ACT *Education Act 2004* (the Act) requires all children of compulsory education age living in the ACT to be enrolled with an education provider or registered for home education. If a child of compulsory education age has completed Year 10, they may elect to participate in an approved training or employment alternative. Children must meet the full-time participation requirement (except where an Exemption Certificate has been issued).
- 1.2 Parents are required to ensure that a child of compulsory education age is meeting the attendance and participation requirements of the Act.
- 1.3 The compliance and enforcement provisions specified in this procedure will be enacted when necessary to ensure the participation requirements detailed in Chapter 2 of the Act are being met. In line with the intent of the legislation, the ACT Education and Training Directorate (the Directorate) will endeavour to use all appropriate re-engagement strategies prior to commencing compliance and enforcement provisions.
- 1.4 The legislation and this associated procedure apply to all children of compulsory education age living in the ACT.
- 1.5 The Directorate will work with other relevant Government agencies to ensure that children are given every opportunity and support to enable them to participate in their education or alternative option.
- 1.6 The Directorate will endeavour to offer all parents the assistance necessary for them to understand and participate in the education participation requirements processes.

2. RATIONALE

- 2.1 The Directorate, together with parents and the community, plays a key role in ensuring that children in the ACT are making the most of learning opportunities through compliance with the Act's attendance and participation requirements.
- 2.2 This procedure outlines the roles and responsibilities of individuals involved with ensuring that a child living in the ACT of compulsory education age is meeting the attendance and participation requirements of the Act.

3. DEFINITIONS

- 3.1 In addition to the definitions detailed in the overarching *Education Participation (Enrolment and Attendance)* policy, the following definitions are specific to this procedure.
- 3.2 An **authorised person** is a person appointed by the Director-General under the Act to exercise powers to inspect records and to require information about non-attendance in ACT schools. Further information about authorised persons is available in the *Appointment and Functions of Authorised Persons* policy on the Directorate's website:
http://www.det.act.gov.au/publications_and_policies/policy_a-z.
- 3.3 A **Compliance Notice** is a written notice issued to a child's parents under section 16B of the Act, to require parents to ensure that their child's enrolment, registration for home education, attendance and participation in education, training or employment is in accordance with the Act.
- 3.4 **Compliance period** means the period of time stated in an Information Notice or Compliance Notice, within which the requirements of the Notice must be met.
- 3.5 An **Information Notice** is a written notice, issued to the parents of a child under section 11C of the Act, seeking further information about a child's enrolment, registration, attendance or participation in education, training and employment.

4. PROCEDURES

4.1 Compliance requirements

- 4.1.1 If a child is of compulsory education age and living in the ACT, that child's parents must ensure their child:
- is either enrolled with an education provider or registered for home education (or both);
 - if the child is enrolled at a school, that they meet the school attendance requirement;
 - if the child is enrolled with an education provider other than a school, that they meet the full-time participation (attendance) requirement;
 - if an Approval Statement is in place for the child, that the child complies with the conditions of the Approval Statement; or
 - if an Exemption Certificate has been granted to the child, that the child complies with the conditions of the Exemption Certificate.
- 4.1.2 Non-compliance with attendance and participation requirements means not meeting the above requirements.

4.1.3 The Directorate's *Attendance at ACT Public Schools* procedures contain detailed information about attendance requirements in ACT schools, including examples of reasonable excuses for a child's absence. These procedures and the *Attendance at ACT Non-government Schools* procedures are available on the Directorate's website:
http://www.det.act.gov.au/publications_and_policies/policy_a-z.

4.1.4 The Directorate's *Post Year 10 Alternatives (training and employment)* procedure contains detailed information about the requirement to seek an Approval Statement from the Directorate in order to engage in training or employment alternatives. The procedure is available on the Directorate's website: http://www.det.act.gov.au/publications_and_policies/policy_a-z.

4.1.5 The Directorate's *Exemption Certificates* procedure contains detailed information about the requirement to seek an Exemption Certificate from the Directorate in order for a child to be exempt from the education participation requirements. The procedure is available on the Directorate's website:
http://www.det.act.gov.au/publications_and_policies/policy_a-z.

4.2 Information Notices – providing information to the Directorate

4.2.1 The Director-General may issue an Information Notice to the parents of a child if the Director-General believes that the attendance and participation requirements listed in paragraph 4.1.1 (above) are not being met.

4.2.2 An Information Notice is a formal means by which the Director-General can obtain information from a child's parents in order to make a decision as to whether the attendance and participation requirements are being met.

4.2.3 Before issuing an Information Notice, the Director-General may request information by informal means. If the parents fail to provide adequate information in response to the informal request for information, the Director-General may issue a formal Information Notice.

4.2.4 An Information Notice must:

- be issued to parents in accordance with section 247 of the *Legislation Act 2001* (ACT);
- state that it is an Information Notice under the *Education Act 2004*;
- identify the information sought;
- state what the child's parents need to do to comply with the Notice;
- include the period for complying with the Notice (at least 10 working days);
- explain that failure to comply with the Notice is an offence; and
- provide the contact details of a Directorate officer with whom the parent can discuss the matter.

4.2.5 A parent must comply with requirements of an Information Notice and provide the Directorate with the information being sought within the compliance period.

- 4.2.6 The Director-General may decide to extend the compliance period for the Information Notice on the Director-General's own initiative or if asked by the parents, if the compliance period has not expired.
- 4.2.7 A failure to comply with an Information Notice without a reasonable excuse is an offence and could result in the parent/s being fined up to \$550 (five penalty units). The Directorate may refer the matter to relevant Government authorities.
- 4.2.8 If the Director-General is satisfied that the Information Notice has been complied with or is no longer required, the Director-General must revoke the Notice and notify the parents in writing.
- 4.3 **Compliance Notices – complying with attendance and participation requirements**
- 4.3.1 The Director-General may issue a Compliance Notice to a child's parents if the Director-General believes that the attendance and/or participation requirements outlined in paragraph 4.1.1 (above) are not being met.
- 4.3.2 Before issuing a Compliance Notice, the Directorate will endeavour to provide parents with the support and information needed to ensure their child is meeting the attendance and/or participation requirements. This may include referral to support services and requiring the parents and the child to meet with an authorised person.
- 4.3.3 A Compliance Notice will only be issued as a last resort. Continued support for the parents and the child will continue to be provided once a Compliance Notice has been issued to re-engage the child in appropriate education, training or employment alternatives.
- 4.3.4 If it appears that the parents have a reasonable excuse for the child not meeting the attendance and/or participation requirements, the Directorate will endeavour to provide appropriate support and information about education, training and employment alternatives, and where appropriate, may invite the parents to apply for an Exemption Certificate in accordance with the *Exemption certificates* procedure.
- 4.3.5 A Compliance Notice must:
- be issued to parents in accordance with section 247 of the *Legislation Act 2001* (ACT);
 - state that it is a Compliance Notice under the *Education Act 2004*;
 - provide a brief description of the contravention of the Act;
 - state what the parents need to do to comply with the Notice;
 - include the period for complying with the Notice (at least 10 working days);
 - explain that failure to comply with the Notice is an offence; and
 - provide the contact details for a Directorate officer with whom the parent can discuss the matter.

- 4.3.6 The Directorate will work with other relevant Government agencies to ensure that children are given every opportunity and support to enable them to participate in their education or alternative option.
- 4.3.7 The Director-General may extend the compliance period for the Compliance Notice on the Director-General's own initiative or if asked by the parents, provided the compliance period has not expired.
- 4.3.8 A parent must meet the requirements of a Compliance Notice within the compliance period.
- 4.3.9 Failure to comply with a Compliance Notice, without a reasonable excuse, is an offence, which could result in the parent/s being fined up to \$1100 (ten penalty units). The Directorate may refer the matter to relevant Government authorities.
- 4.3.10 If the Director-General is satisfied that the Compliance Notice has been complied with, the Director-General must revoke the Notice and notify the parents in writing.

4.4 **Complaints**

- 4.4.1 Where there are concerns regarding the application of this procedure or the procedure itself, people should:
- contact the school principal in the first instance;
 - contact the Directorate's Community Liaison section; or
 - access the Directorate's *Complaints Resolution* policy, which is available on the Directorate's website at http://www.det.act.gov.au/publications_and_policies/policy_a-z.

5. **PROCEDURE OWNER**

Director, Information, Communications and Governance

For support in relation to this procedure please contact Information, Communications and Governance Branch on (02) 6205 9400.

6. **RELATED DOCUMENTS**

Education Participation (Enrolment and Attendance) policy
Complaints Resolution policy
Attendance at ACT Public Schools procedure
Attendance at ACT Non-government Schools procedure
Education Options (other than school) procedure
Enrolment in ACT Public Schools (preschool to year 12) procedure
Exemption Certificates procedure
Post Year 10 Alternatives (training and employment) procedure