



Enforcement of compulsory school attendance 2012

The law in NSW places the responsibility on parents to ensure their child is enrolled at a government or non-government school and attends the school whenever teaching is provided (or is registered for home schooling).

Under Section 22 of the Education Act 1990 parents have a legal duty to ensure their school-aged children attend school. The NSW Department of Education and Communities has developed strategies to support all students' regular attendance at school.

School support

Each school has a discipline policy which sets out clear expectations for regular student attendance and consequences of truancy.

A key responsibility of the school is identifying students who are at risk of developing poor school attendance patterns. Once attendance issues are identified a range of strategies are used at school including:

- prompt follow up of any absences
- implementing programs and practices to address attendance issues, including the phone intervention program where phone contact is made on a particular day with parents of all students who are absent

- communicating with parents and seeking an explanation for any unexplained absences
- putting in place student welfare support within the school, including referral to the school counsellor if appropriate
- liaising with other government and non-government agencies

Home School Liaison Program

Where schools have used a range of strategies to resolve a non-attendance issue without success, a referral may be made to the regional Home School Liaison Program for support.

The Home School Liaison Program provides a supportive service to students, parents and schools to encourage the attendance of students at school.

There are 110 home school liaison officers and 26 Aboriginal student liaison officers working across the state. This includes an additional 25 home school liaison officer and 15 Aboriginal student liaison officer positions established at the beginning

of 2010 as part of the Keep Them Safe initiative.

The home school liaison officer develops an attendance improvement plan with the school, student and parents, which identifies strategies and responsibilities to improve the student's attendance.

Legal measures

Where an attendance improvement plan has been unsuccessful in resolving the matter, and the parents have not meaningfully engaged with the plan, the matter is referred for consideration of legal action.

Before 2010, the only legal option available if all other measures had failed to resolve the matter was prosecution in the Local Court. With the introduction of new legislation in 2010, other options are now available such as confidential conferences and seeking a compulsory schooling order in the Children's Court.

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Enforcing compulsory attendance

In 2012, 590 cases were referred for compulsory attendance enforcement action. This represents a significant increase from the 423 cases referred in 2011. No formal evaluation has taken place to establish the reason for the increase. Enquiries with field staff indicate that the increase is likely due to ongoing efforts to streamline enforcement processes. Field staff confirm that the increase does not reflect any increase in the number of referrals of poor school attendance from schools into the home school liaison program.

Dismissed	2
Ongoing	173
TOTAL	521

All Court matters

Fined	28
Withdrawn	114
Final Compulsory Schooling Order	235
Dismissed	2
S10* GBB	2
Ongoing	209
TOTAL	590

Local Court matters

Fined	28
Withdrawn	3
S10 *GBB	2
Ongoing	36
Dismissed	0
TOTAL	69

Children's Court matters

Final Compulsory Schooling Order	235
Withdrawn	111

Explanatory notes

Proceedings were typically withdrawn when attendance had improved sufficiently to justify withdrawal, or because it appeared likely that a defence could be established (e.g. illness or disobedience).

Matters not commenced occurred for a range of reasons including not being able to serve court papers, improvement in attendance, and the student moving out of the jurisdiction.

*GBB = good behaviour bond

Quality of information

The 2012 figures were prepared from administrative systems that were developed to internally track the progress of cases rather than to report externally.

There are no statistical quality assurance measures applied to these figures, and there may be anomalies or errors due to the significant number of users who access the system.

The 2012 figures represent a snapshot of the date as at 25 February, 2013. The date may be subject to revision and correction, but the figures are correct to the best of the department's knowledge and understanding.