Catholic Schools Office
Diocese of Broken Bay

Guidelines for the Management of Student Attendance in the Broken Bay Diocesan Schools System

Revised January 2015
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SECTION A

Monitoring Student Attendance
Section A: Student Attendance Monitoring Guidelines

1. CONTEXT

1.1 Regular attendance at school is essential if students are to maximise their potential. Schools, in partnership with parents, are responsible for promoting the regular attendance of students. While parents are legally responsible for the regular attendance of their children, school staff, as a part of their duty of care, monitor part or whole day absences.

1.2 This document applies to all Broken Bay systemic schools, excluding pre-schools.

1.3 The school attendance register (roll) should reflect the highest professional standards.

2. RESPONSIBILITIES

2.1 Parents are responsible for:
- enrolling their children of compulsory school age in a government or registered non-government school or registering them with the Board of Studies, Teaching and Educational Standards (BOSTES) NSW for home schooling
- ensuring that their children attend school regularly
- explaining, to the school, the absences of their children promptly and within seven days
- taking measures to resolve attendance issues involving their children.

2.2 The responsibilities of school staff

2.2.1 The Principal is responsible for ensuring that:
- students are enrolled consistent with the Diocesan Enrolment Policy
- staff provide a caring teaching and learning environment which fosters students’ sense of wellbeing and belonging to the school community
- programs and practices are implemented to address attendance issues when they arise
- clear information is provided to students and parents regarding attendance requirements and the consequences of unsatisfactory attendance
- excellent and improved student attendance are recognised and rewarded
- attendance records are maintained in a diocesan-approved format and are an accurate record of the attendance of students
- all official documentation (hard/soft copies) of student attendance are accurate and endorsed as accurate by the principal or other nominated member of the school executive
- staff accurately record the attendance of each student in each lesson when lessons are conducted in a number of classrooms or locations
- a system is established for signing out students who need to leave the school premises during school hours
- all attendance records including details of transfers and exemptions are accessible to the Director of Schools or designated CSO officer and BOSTES Inspector
- documented plans are developed to address the needs of students whose attendance is identified as being of concern
- the Director of Schools or designated CSO officer is provided with regular information about students for whom chronic non-attendance is an issue and for whom school strategies have failed to restore regular attendance
- relevant school policies and procedures are developed and implemented to address...
attendance issues including truancy; they should provide strategies for encouraging good attendance and establish structures and procedures that support teachers in addressing issues of student non-attendance

- school staff are trained to implement school attendance policies and procedures and that personnel with delegated responsibility for maintaining attendance records are supervised
- parents and students are regularly informed of attendance requirements
- all cases of unsatisfactory attendance and part or full day absences from school are investigated promptly and that appropriate intervention strategies are implemented.

2.2.2 Whenever a class is conducted at a site other than the school site, attendance must be recorded. In addition, schools are required to develop their own procedures to monitor attendance during the day. There may also be situations due to the nature of the school location or the attendance record of particular students where further attendance monitoring may need to be implemented.

2.2.3 The principal or authorised member of staff will undertake all reasonable measures to contact parents promptly concerning an unexplained absence. Contact with the parent may be made either by telephone, email or sms text message, if a pre-arranged secure address has been provided.

2.2.4 The principal or an authorised member of staff will ensure that the roll is not amended after seven (7) days following the absence. The code ‘W’ is used on the first day and subsequent days of the student’s absence. If a reason to substantiate the absence in not received within 7 days (Part 5 Section 23 (3) of the Act) of the first day of the absence, or if the reason provided is unacceptable, the code ‘A’ is then added, resulting in ‘WA’ being recorded for the absence period. If a reason for the absence is received by the school after this time, the official record of attendance cannot be altered. Ensure that the reason is included in the notes section (or similar) of the roll and any documentation received to substantiate the reason for the absence is stored with the student’s file. *Note: The 7-day rule is 7 days NOT 7 school days.*

2.2.5 In the case of students participating in course work or school activities away from the school site (such as work placements), the principal or an authorised member of staff should obtain an accurate record of student attendance at other sites at the conclusion of each school week.

2.2.6 Principals may grant:

- sick leave to students whose absences are satisfactorily explained as being due to illness (see Appendix A: 11.2 Attendance Register Code ‘S’)
- an exemption from school attendance for periods totalling up to 100 days in a 12 month period for any one student (see Appendix A: 11.2 Attendance Register Code ‘M’ & Section B)
- an exemption from school attendance for students wishing to participate in employment in the entertainment industry or participation in elite arts or elite sports events for periods totalling up to 100 days in a 12 month period for any one student (see Appendix A: 11.2 Attendance Register Code ‘M’ & Section B)

*Note: For large scale and long running productions applications for exemptions for periods over 100 days in a 12 month period for any one student should be forwarded to the Director of Schools of Schools.*

- part-day exemption from school attendance for periods totalling up to 100 full days in a 12 month period for any one student (see Appendix A: 11.2 Attendance Register Codes
2.2.7 Principals may record absences using the ‘L’ code for students of compulsory school age who have provided an explanation of the absence which has been accepted by the principal (see Appendix A: 11.2 Attendance Register Code ‘L’). This may be due to:

- misadventure or unforeseen event
- participation in special events not related to the school
- domestic necessity such as serious illness of an immediate family member
- attendance at funerals
- travel in Australia and overseas
- recognised religious festivals or ceremonial occasions.

2.2.8 Principals may decline to accept as satisfactory an explanation for an absence, or a proposed absence. The parent should be advised in writing that the explanation has not been accepted and a reason for the decision provided. If this is the case the code ‘WA’ should be used to record the absence for whole day absences or ‘PA’ for partial day absences.

2.2.9 Principals may request medical certificates or other documentation when absences explained as being due to sickness are frequent or prolonged. Medical certificates are not sacrosanct documents. Where principals have concerns about medical certificates being produced for absences, they can ask the parent to request that the doctor write on the certificate the statement ‘this child is unfit for school’ with specified dates included. Where principals have ongoing concerns, they can request the parents’ consent to contact the doctor. If the request is denied, or if the principal is still not satisfied with the reason for absence, they can record the absence as ‘unjustified’ (see Appendix A: 11.2: Attendance Register Code ‘A’)

2.2.10 Principals may nominate staff to maintain rolls. In such cases, the principal must ensure that these staff:

- know the procedures in this document before marking the roll and following up absences. Staff must understand how an absence should be noted using the approved codes
- seek verbal or written advice promptly from parents regarding unexplained full or part day absences. Parents may not be aware that their child has been absent from school and will expect to be informed promptly if unexplained absences occur. Schools may wish to request this information by telephone
- retain records of written, electronic and verbal explanations from parents. If school staff receive verbal explanations from parents, they should record, sign and date the explanation
- are aware of their responsibility to alert the principal or staff member responsible for monitoring attendance when a student’s pattern of attendance is of concern, or if no explanation is received from the parent or carer
- report habitual unexplained, full or part day absences, fractional truancy and persistent lateness promptly to the principal or nominee.

Note: CSO recommends that the principal nominates the roll/classroom teacher to maintain rolls and that this includes the responsibility of entering the appropriate reason for absence code into the roll on a daily basis. It is NOT recommended that office support staff have responsibility for entering these codes.
2.3 The responsibilities of CSO officers

2.3.1 The Director of Schools is responsible for ensuring that:
- schools are supported to maintain accurate records of student attendance in a form approved by the Minister. The Diocesan system should conduct regular audits of school attendance registers and provide support to principals in maintaining these documents.
- processes are in place to support principals prior to approval being given by the Director for students of compulsory school age participating in alternative education programs involving part day exemption from attendance at school.
- recommendations are made about the prosecution of cases of non-attendance or failure to enrol a child at school, in the first instance to the Catholic Education Commission, NSW.
- plans are implemented for the improvement of the attendance of students who are identified by schools as chronic non-attenders.
- all schools implement a system for signing out students who need to leave the school premises during school hours.

2.3.2 The Director of Schools may grant:
- an exemption from school attendance for periods totalling up to 100 days in a 12 month period for any one student (see Appendix A: 11.2 Attendance Register Code ‘M’).

3. SCHOOL ATTENDANCE RECORDS REQUIREMENTS

3.1 School attendance records must include:
- a Register of Enrolments to be retained permanently.
- notes and records of verbal explanations for absences from parents; this advice is to be retained for seven years from the date of receipt.
- an Attendance Register (roll) to be retained for seven years after the last entry was made (see next point for the exception to this rule).

3.2 In a case where a student has an accident necessitating an accident report, all attendance records should be retained until the end of year in which the student reaches the age of 25.

3.3 The student’s record file detailing the number of absences each year must be retained for seven years after the student has left. In the case of a student who has had an accident necessitating an accident report, the record file should be retained until the end of the year in which the student reaches the age of 25 years.

3.4 Records for Certificates of Exemption from Attendance and Enrolment must comply with requirements of Statement 12.3 in Section B.

4. ATTENDANCE REGISTERS (ROLLS)

4.1 Rolls must reflect the highest professional standards.

4.1.1 The NSW Education Act (1990) (Section 24) requires that rolls be maintained in a form approved by the Minister. These may be either manual or electronic rolls. In Broken Bay diocese, all schools now use electronic registers to record student attendance.

4.1.2 Rolls must be maintained on all days on which the school is open for instruction, including...
Section A: Student Attendance Monitoring Guidelines

4.1.3 The exception method (marking absences only) is to be followed by all schools. Only the codes listed in the NSW Attendance Register Codes are to be used (see Appendix A: 11.2).

4.1.4 School attendance must be recorded on the roll on a daily basis and early in the school day each day the school is open for instruction. Staff responsible for maintaining rolls must be acquainted with requirements of this document and correct procedures (see CSO recommendation 2.2.10 relating to roll/classroom teachers being the responsible persons).

4.1.5 Students involved in off-site activities endorsed by the school must not be marked as absent (see 2.2.2).

4.2 Electronic attendance registers (rolls)

4.2.1 To ensure currency and accuracy of the information recorded in rolls, a hard copy (print copy) or PDF file (soft copy) of the roll is to be generated fortnightly. The principal or delegated member of the school executive must endorse the hard or soft copy, certifying its accuracy. Once endorsed, this hard/soft copy becomes the official record of attendance and must not be amended. Certifying accuracy in a pdf can be shown in the file name or by including a comment in the pdf using the ‘comment’ function.

4.2.2 In the case of late arrival or early departure, the precise times of arrival or departure must be recorded with the relevant attendance code.

4.2.3 Where an alteration is necessary amend the roll and endorse the amended copy, ensuring that it is clear where the amendment has been made.

4.2.4 Schools must have documented procedures in place to ensure the accuracy of attendance records. This includes procedures to ensure that amendments to electronic registers have been endorsed by the principal (or delegate).

4.2.5 Attendance codes are found at Appendix A: 11.2; Additional codes are not to be used.

4.3 Special circumstance registers (rolls)

Note: A special circumstance roll is a register which is used in circumstances where the usual attendance roll is unavailable or inaccessible.

4.3.1 Attendance registers must be maintained each day the school is open (see 4.1.2) with the exception of:

- camps, whole cohort excursions, carnivals etc
- days on which the IT network is unavailable
- days on which the school is inaccessible due to natural occurrences such as fire or flood.

Principals should consult with diocesan personnel prior to deciding that a school is inaccessible.

4.3.2 Special circumstance rolls are to be maintained on days as outlined in 4.3.1. They should:

- specify the dates and times of the variation
- indicate the reason for the variation
- list students attending on that day
- be signed by the teacher maintaining the roll
- be permanently attached to main roll.

4.3.3 Electronic rolls should have the facility to display a ‘staff development day’ (or similar) message on staff development days. A similar notation must be made on hard/soft copies of electronic roll regarding other reasons for maintaining a special circumstance register (e.g. industrial action or school closure due to fire or flood).

4.3.4 Absences on these days are not to be recorded or counted as absences for statistical purposes.
4.3.5 Students can attend a specialist educational setting separate to a mainstream school on a sessional or fulltime basis. Such settings include tutorial centres and programs, behaviour schools, juvenile justice and hospital schools and distance education.

Where the mainstream school principal verifies that a student is attending a specialist educational setting, the mainstream school can mark the attendance register with the Attendance Register Code ‘H’.

**Notes – for Broken Bay systemic schools:**

- the code, ‘H,’ would be used rarely and applicable only for students attending a behaviour school, juvenile justice centre, and/or hospital school
- use ‘F’ for external tutorial centres and programs that are school authorised. The principal may also use the codes, ‘L,’ ‘A’ according to the particular circumstances of the absence
- neither code, ‘H’ or ‘F’, is applicable with regard to distance education; students who are enrolled in distance education cannot also be enrolled in a non-government school; students who access distance education must be removed from the roll.

Where the duration of attendance at a specialist educational setting is more than four days in duration, the specialist educational setting should use the special circumstance register to record student attendance. The special circumstance register should be returned to the student’s mainstream school, preferably weekly.

4.4 Security of attendance registers (rolls)

4.4.1 Rolls must be stored in a secure location within the school, if print-based records are kept. The school’s share-drive (O-drive) is considered a secure location for electronic records.

4.4.2 The loss of attendance data is a serious occurrence and must be reported immediately to the school’s Consultant. A declaration signed by the principal must be maintained in school files stating the period for which the data has been lost.

4.4.3 At the end of each school year the principal must ensure that the roll and attached special circumstance registers are preserved as a complete record of students’ absences for that year. This may be maintained electronically on the school’s O-drive.

4.4.4 Copies of previous print-based rolls should be stored offsite at regular intervals.

4.5 School sport rolls

4.5.1 School sport is an integral part of the curriculum. Principals must ensure adequate attendance monitoring practices at school sport to ensure the safety of students.

4.5.2 Specific sports rolls must be marked at the beginning and conclusion of each sports session. Attendance information contained on sports rolls must be transferred to the attendance register (roll). Absentees must be followed up promptly to ensure that the school’s procedures for managing non-attendance are implemented.

4.6 Overseas exchange students

4.6.1 Students participating in accredited overseas student exchange programs for periods of up to 12 months are to remain on the school roll. They are not to be marked absent for the duration of their exchange.

4.6.2 A note is to be attached to the roll regarding the place and duration of the exchange. For statistical purposes, students on overseas exchange are to be considered present.

4.6.3 The code ‘B’ is to be used for the period of the student exchange (see Appendix A: 11.2).
4.7 Students participating in flexible timetables
   4.7.1 The attendance of students participating in flexible timetables must be recorded in the same manner as other students. However, scheduled days or periods of non-attendance must not be marked as absences.
   4.7.2 The scheduled non-attendance of students participating in flexible timetables is not recorded as an absence for statistical purposes.
   4.7.3 Flexible timetables could include participation in assessments and examinations (for example, Best Start, EMU, HSC), attendance at tutorial centres and/or programs approved by the principal.
   4.7.4 The code ‘F’, regarding timetabled days or periods of non-attendance should be used (see Appendix A: 11.2).

4.8 Students who are suspended from school in accordance with the DSS Behaviour Management and Student Discipline policy.
   4.8.1 The appropriate Attendance Register Code for suspension (‘E’) is to be used to denote the absences of students whilst on suspension. This code is to be used only for the duration of the suspension and must not be applied to students who fail to return to school following the suspension period. In such cases, the student’s absence would be unjustified and recorded accordingly (see Attendance Register Code ‘A’ Appendix A: 11.2).
   4.8.2 The absence of students who are suspended are counted as absences for statistical purposes.

4.9 Students who are exempted from school (see section B)
   4.9.1 The appropriate symbol for exemption is to be used when the absences are the result of students being exempted from attending school (see Attendance Register Code ‘M’ Appendix A: 11.2). This symbol is to is be used only for the duration of the exemption and must not be applied to students who fail to return to school following the exemption period.
   4.9.2 The absences of students who have been exempted from school are not counted as absences for statistical purposes.
   4.9.3 The register code ‘M’ is not to be used for travel within Australia or overseas, that is, holidays.

4.10 A student’s name must be removed from a roll if:
   • the student enrols in another school
   • advice has been received from parents that the student is enrolled in another registered school, or is registered with the BOSTES NSW for home schooling. Principals who are concerned about information provided to them by parents should request the name of the other school or evidence of home schooling so that a check can be made
   • the student has been expelled or excluded from the school in accordance with diocesan policy.

4.11 If a student is of compulsory school age, and has been marked as ‘absent’ for a period exceeding 10 consecutive school days where the school is open for instruction, and there has been no communication with the school, the school should contact the Catholic Schools Office for advice on further action. Prior to reporting the matter, all appropriate checks should be made.
4.12 If a student is no longer of compulsory school age and has not attended school for more than 15 consecutive school days where the school is open for instruction, for reasons not known to the school, their whereabouts are unknown and the family has not responded to attempts by the school to communicate with them, the school should remove the student from the attendance register and report the matter to the Catholic Schools Office.

4.13 If a student’s name has been removed from the roll because ‘their whereabouts are unknown’, absences from the last day of attendance at school are not included as absences for statistical purposes. The roll should be amended to reflect this.

5. ENROLMENT AND ATTENDANCE

5.1 Students may attend a NSW Catholic systemic school if they are:
- enrolled at that school or
- attending in the short-term.

5.2 Requirements and procedures for enrolling students in NSW Catholic systemic schools are located in the Diocesan Enrolment Policy.

5.3 Short-term attendance of students

5.3.1 Students may be enrolled in one school only at any given time. However, for a variety of reasons, a student enrolled at a NSW Catholic systemic school may need to attend another school for a short period of time.

5.3.2 Short-term attendance arrangements should not unduly disrupt programs in the host school. They should not result in any reorganisation of classes or timetables.

5.3.3 Prior to agreeing to the short-term attendance of a student, the principal of the host school should gather the necessary information to permit a risk assessment to be conducted. The objective of the assessment should be the maintenance of a safe learning environment for staff and students.

6. SUPPORTING THE REGULAR ATTENDANCE OF STUDENTS AT SCHOOL

6.1 Parents are responsible for the regular attendance of students at school. Principals and school staff, in consultation with students and their parents, will usually be able to resolve problems of non-attendance. While parents should be reminded of their legal obligations under NSW Education Act (1990) the welfare of the student must be the focus of this consultation.

6.2 The most effective means of restoring and maintaining regular school attendance includes sound attendance monitoring practices and regular follow-up of unexplained absences by contacting parents promptly. Early telephone contact with parents is recommended.

6.3 Resolution of attendance difficulties may require a range of additional school based strategies including:
- student and parent interviews
- reviewing the appropriateness of the student’s educational program
- development of a school-based attendance improvement plan
• referral to the school counsellor or outside agency
• support from school based personnel.

6.4 If a range of school based interventions has been unsuccessful, support may be requested by referring individual cases of unsatisfactory attendance to the Catholic Schools Office in the first instance, which then advises the Catholic Education Commission (CEC), NSW. The CEC, NSW manages the process of informing NSW Department of Education and Communities (DEC). Police officers are authorised to act as attendance officers under Section 122 of the NSW Education Act (1990).

6.4.1 During school hours, an authorised person or police officer may approach a student who is apparently of compulsory school age, and who is apparently not in attendance at school. They may request the student’s name and home address and the name and address of his/her school. They may approach a student who is accompanied by an adult.

6.4.2 A police officer or authorised person, in the company of a police officer may accompany the student to his or her home, or to the school, to verify the information provided.

6.4.3 Under this authorisation, police have no power of arrest, detention or physical restraint.

6.4.4 Police and DEC personnel conduct regular Joint Anti-Truancy initiatives (JATS) targeting truancy.

7. COMMON LEAVE PASS

7.1 Catholic system schools must implement a leave pass system for students who wish to leave school premises during normal school hours. The procedures for granting a leave pass to students are to be managed by the school.

8. EXEMPTION FROM ATTENDANCE/ENROLMENT AT SCHOOL

(see section B: Exemption from Attendance; Exemption from Enrolment)

8.1 In the case of students of compulsory school age, applications for student leave can be considered as applications for exemption from school attendance.

8.1.1 Certificates of Exemption from the compulsory education requirements of the Act may be granted by a delegated officer (as identified in 8.1.2 below) when it has been clearly demonstrated by the applicant that an exemption is in the student’s best interests in the short and long term and that alternatives to exemption have been considered. For example, in some cases, application for Distance Education may be more appropriate than seeking an exemption from school attendance.

8.1.2 Exemption should only be granted where conditions exist which make it necessary or desirable that a certificate of exemption be granted. Under Section 25 of the NSW Education Act (1990) (the ‘Act’), the Minister may grant a Certificate of Exemption. This power is delegated, subject to these Guidelines, to:

- Director of Schools, in relation to granting of an exemption from school attendance totalling up to 100 days in a 12 month period
- Principals, in relation to granting of an exemption from school attendance for periods totalling up to 100 days in a 12 month period for any one student.

8.1.3 Principals and the Director of Schools may grant a certificate of exemption from enrolment
at school to students under Section 25 of the Act for the sole purpose of completing their education through undertaking an apprenticeship or traineeship before they have completed Year 10. If such permission is granted, the principal should also grant a certificate of exemption from schooling subject to the completion of the contract of training.

8.1.4 The power to exempt students in Catholic systemic schools for periods more than 100 days in a 12 month period currently remains with the Minister. Applications should be forwarded through the Catholic Schools Office to the Catholic Education Commission, NSW. Delegates cannot delegate this power.

9. STUDENTS ATTENDING LESSONS OUTSIDE SCHOOL DURING SCHOOL HOURS

9.1 Involvement in private lessons, such as ballet and music classes, conducted outside the school during school hours may not be conducive to the effective operation of the school or to the education of the student concerned. Student involvement in extra-curricular activities will usually be limited to outside school hours.

9.2 Where attendance at a private lesson during school hours is of exceptional importance such as sitting examinations, principals may use their discretion in justifying the absence. This provision must not be used on a regular basis.

9.3 If parents withdraw their children from school for private lessons when permission to do so has been refused, an unjustified absence should be recorded and dealt with in the usual manner.

9.4 This section of the document does not apply to courses leading to the award of the Record of School Achievement (RoSA) or the Higher School Certificate courses conducted outside school or participation in work placement or TAFE based courses.

10. EXTENDED LEAVE – TRAVEL

10.1 From time to time parents/caregivers may approach the school to seek permission for their child to travel during school term for periods of time.

10.2 Travel is considered to be domestic or international travel for the purpose of a family holiday, family business, bereavement or other reasons.

10.3 Where the permission sought is for less than 10 days, and the principal accepts the reason provided for the absence, the principal can record the code ‘L’ in the roll.

10.4 Where the permission sought is for 10 or more days, and the principal accepts the reason provided for the absence, the principal can also record the code ‘L’ in the roll but must ask also parents to complete the Application for Extended Leave – Travel (Form A1). In completing the application, parents/caregivers must specify the reason for the application for extended leave.

10.5 Where the travel period exceeds one school term, the principal should contact the CSO Risk Manager to discuss the particular circumstance and the resultant outcome.
10.6 If the student or students do not return on the date specified, the principal must ensure that parents/caregivers are contacted to establish the whereabouts of the student(s). If contact cannot be established, contact the Home School Liaison Program support team (see Section D, Form D3) and provide the relevant information.

10.7 Extended leave due to travel for 10 or more days – general principles:

10.7.1 Principals should encourage parents to travel during school holidays rather than during the school term and should not accept a reason for travel during school term if it is not in the best interests of the student.

10.7.2 Principals should ensure that parents/caregivers understand any implications on student academic progress as a result of the extended leave.

10.7.3 Principals should also ensure that parents/caregivers understand any implications on their child’s academic year/class placement on their return from the extended leave.

10.7.4 Part 2, 4(b) of the NSW Education Act (1990) states that the education of a child is primarily the responsibility of the child’s parents. It should not therefore be an expectation of parents/caregivers that the school provide work for the student during the time of the extended leave.
### 11. APPENDICES TO SECTION A

#### 11.1 Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compulsory School Age</td>
<td>See Section 21B of the <a href="https://www.education.nsw.gov.au">NSW Education Act (1990)</a></td>
</tr>
<tr>
<td>Explained/justified absence</td>
<td>A parent has provided an explanation of the student’s absence which has been accepted by the principal.</td>
</tr>
<tr>
<td>Explained/unjustified absence</td>
<td>A parent has provided an explanation of the student’s absence which has not been accepted by the principal.</td>
</tr>
<tr>
<td>Parent</td>
<td>Includes a carer or other person having the care or custody of a child or young person.</td>
</tr>
<tr>
<td>Parent condoned absence</td>
<td>When a parent or carer causes a student to be absent from school without acceptable reason.</td>
</tr>
<tr>
<td>Truancy</td>
<td>The absence of a student from school without the knowledge or permission of their parent or carer.</td>
</tr>
<tr>
<td>Unexplained absence</td>
<td>A student absence where a parent provides no reason for a student’s non-attendance.</td>
</tr>
<tr>
<td>Unexplained/unjustified absence</td>
<td>A parent has not provided an explanation of the student’s absence within seven days of the occurrence of the absence</td>
</tr>
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</table>
11.2 Roll marking Symbols – Attendance Codes

**Note** The symbol X is to be used for the first and last day that the student attended for each term

### Symbols to be used where students are absent from school

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Meaning</th>
<th>Absence included in absence return</th>
</tr>
</thead>
<tbody>
<tr>
<td>W</td>
<td>The student was absent on that day.</td>
<td>Yes</td>
</tr>
<tr>
<td>P</td>
<td>The student was late or was absent for part of a day. The time of arrival or departure must be recorded.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Symbols to be used for explanation of student absence

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Meaning</th>
<th>Absence included in absence return</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>The student’s absence is unexplained or unjustified. This symbol must be used if no explanation has been provided by parents within seven days of the occurrence of the absence or the explanation is not accepted by the principal. It is at the principal’s discretion to accept or not accept the explanation provided (see 2.2.4).</td>
<td>Yes</td>
</tr>
</tbody>
</table>
| B      | The student is absent from the school on official school business. This symbol is recorded where the principal approves the student leaving the school site to undertake, for example:
  - work experience
  - school sport (regional and state carnivals)
  - school excursions
  - student exchange | No |
| E      | The student was suspended from school | Yes |
| F      | The student is participating in a flexible timetable and not present because they are not required to be at school. This could include participation in
  - HSC Pathways Program
  - Best Start Assessments
  - Trial or HSC examinations
  - VET courses | No |
  
  **Notes:**
  - For Catholic schools this code is also to be used in the case where students access external tutorial centres and/or programs approved by the principal
  - For BB primary schools also use this code for assessments in the first weeks of the school term, eg EMU assessments.

| H      | The student is enrolled in a school and is required or approved to be attending an alternative educational setting on a sessional or full-time basis. The symbol is recorded where a student accesses education settings separate to their mainstream school, such as:
  - tutorial centres and programs
  - behaviour schools
  - juvenile justice
  - hospital schools
  - distance education. | No |

  **Notes – for Broken Bay systemic schools:**
  - the code, ‘H,’ would be used rarely and would only be applicable for students attending behaviour schools, juvenile justice, and hospital schools.
  - use ‘F’ for external tutorial centres and programs that are school authorised. The principal may also use the codes, ‘L,’ ‘A’ according to the particular circumstances of the absence.
  - neither code, ‘H’ or ‘F,’ is applicable with regard to distance education;
### Section A: Student Attendance Monitoring Guidelines

<table>
<thead>
<tr>
<th>Code</th>
<th>Explanation</th>
</tr>
</thead>
</table>
| L    | An explanation of the absence is provided which has been accepted by the principal. This may be due to:  
- misadventure or unforeseen event  
- participation in special events not related to the school  
- domestic necessity such as serious illness of an immediate family member  
- attendance at funerals  
- travel in Australia and overseas  
- recognised religious festivals or ceremonial occasions. | Yes |
| M    | The student was exempted from attending school and a Certificate of Exemption has been issued by a delegated officer.  
*Note: This code is not to be used for travel in Australia and overseas, that is, holidays* | No |
| S    | The student’s absence is due to sickness or as the result of a medical or paramedical appointment. In these cases:  
- a medical certificate is provided or  
- the absence was due to sickness and the principal accepts this explanation.  
Principals may request a medical certificate in addition to explanations if the explanation is doubted or the student has a history of unsatisfactory attendance.  
*Note: A principal does not have to accept a medical certificate if there are doubts relating to the validity or appropriateness of the document.* | Yes |

#### 11.3 Roll Marking Procedures

11.3.1 Class Rolls must always be marked accurately. Principals are required to maintain an attendance register (roll) in a form approved by the Minister (NSW Education Act 1990 Section 24).

11.3.2 Teachers should be conversant with this document and school-based procedures for attendance monitoring.

11.3.3 Parents or carers should be informed that it is their responsibility to:  
- ensure that their child attends school regularly  
- explain the absences of their children from school promptly.

11.3.4 The first and last day of the student’s attendance each term should be marked with an ‘X’.

11.3.5 The *exception method* (marking absences only) is to be followed.

11.3.6 For students absent at the time the roll is marked:  
- enter ‘W’ against the name of the absent student at the time the student absence is noted  
- subsequently, when the declaration regarding the nature of leave is made, either A, S, L, E, M, F, B or H is included with the ‘W’, for example:  
  
<table>
<thead>
<tr>
<th>WA</th>
<th>WS</th>
<th>WL</th>
<th>WE</th>
<th>WM</th>
<th>WF</th>
<th>WB</th>
<th>WH</th>
</tr>
</thead>
</table>

- if the absence is a known partial absence enter ‘P’ against the name of the absent student;  
when the reason for the part absence is determined, either A, S, L, E, M, F, B, or H is included with the ‘P’, for example:  
  
<table>
<thead>
<tr>
<th>PA</th>
<th>PS</th>
<th>PL</th>
<th>PE</th>
<th>PM</th>
<th>PF</th>
<th>PB</th>
<th>PH</th>
</tr>
</thead>
</table>

Details of partial absences, that is, times and dates are to be recorded in the roll.

11.3.7 No codes other than W, P, A, S, L, E, M, F, B or H are to be used in marking the roll.

11.3.8 The symbol ‘B’ is used where a student is absent from the school site on official school business.
This may include work experience, school sport (regional and state carnivals), and school excursions. B is not an absence code and is not be included in the absence return as an absence for statistical purposes.

11.3.9 Absence of a student on an approved flexible timetable must be recorded in the same manner as other students. However, scheduled days or periods of non-attendance must not be marked as absences. An F should be recorded for the day.

11.3.10 Under Section 25 of the NSW Education Act 1990, the Minister may grant a Certificate of Exemption. This power is delegated, subject to Guidelines for Exemption from Attendance at NSW Catholic Systemic Schools, to principals, in relation to granting of an exemption from school attendance for periods totalling up to 100 days in a 12 month period for any one student. The code ‘M’ should be recorded for the day.

11.3.11 The number or absences for each student are to be counted and recorded at the end of each term. Exemptions (M), flexible timetable (F), official school business (B), and absence from home school due to attendance at an alternative education setting (H) are not to be included in tallies and Absence Returns.

11.3.12 There should be capacity in the electronic roll to record ‘Special notes’. Comments such as ‘speech therapy Tuesdays’ or ‘medical history – no exertion’ may be made, should be inserted in this section. Confidential notations should not be included.

11.3.13 One of three methods may be used to keep a record of attendance. This then becomes the attendance register.
   i. The class roll marked by the teacher in the classroom each day.
   ii. The teacher enters the names of absent students on a form with the information being transcribed to a centrally located Attendance Register.
   iii. Absence recording within the student data management system.

11.3.14 The Attendance Register must be available for inspection during school hours by a BOSTES Inspector or by any authorised person, who may require the principal of the school to furnish a copy of the register or any part of it (NSW Education Act 1990 Section 24 (2)).
Application for Extended Leave (L) – Travel

To be completed by parent/caregiver for leave of 10 or more days for the purpose of travel within Australia and/or overseas

<table>
<thead>
<tr>
<th>Student Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Family Name</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
</tr>
</tbody>
</table>

Address: __________________________
Postcode: _________________________

<table>
<thead>
<tr>
<th>School Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>School name</strong></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Application for Extended Leave – Travel</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dates leave applied for:</strong> From: To: Total number of school days:</td>
</tr>
</tbody>
</table>

Reason for travel: __________________________

Relevant travel documentation such as an eTicket (in the case of flight bound travel) or itinerary (in the case of non-flight bound travel within Australia only) must be attached to this application.

<table>
<thead>
<tr>
<th>Are there any prior or current leave applications (for 2015 applications, this is inclusive of recent approved exemptions for travel during 2014)?</th>
</tr>
</thead>
</table>
| **Yes** | **No** | (**If yes, provide details below**)

Dates of prior/current leave/exemption(s) applied for: From: To: No. of school days:

Is copy of prior/current Certificate of Exemption attached? Yes No

Parent/Caregiver Details (applicant)

<table>
<thead>
<tr>
<th>Family name:</th>
<th>Given name(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Address:</th>
<th>Postcode:</th>
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<tbody>
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</table>

<table>
<thead>
<tr>
<th>Contact Tel:</th>
<th>Relationship to student:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Declaration and Signature

As the parent/caregiver and applicant for the above mentioned student, I hereby apply for a Certificate of Extended Leave – Travel and understand my child/children will be granted a period of extended leave upon acceptance by the principal of the reason provided.

I understand that, if the application is accepted:

- I am responsible for the supervision of the student during the period of extended leave
- the accepted period of extended leave is limited to the period indicated
- the accepted period of extended leave is subject to the conditions listed on the Certificate of Extended Leave – Travel
- the period of extended leave will count towards my child’s/children’s absences from school.

I declare that the information provided in this application for a Certificate of Extended Leave – Travel is, to the best of my knowledge and belief, accurate and complete. I recognise that, should statements in this application later prove to be false or misleading, any decision made as a result of this application may be reversed.

I further recognise that a failure to comply with any condition set out in the application may result in the exemption being revoked.

Signature of parent/s Date

Privacy Statement

The information provided will be used to process the student’s Application for an Extended Leave – Travel during the period indicated. It will only be disclosed for the following purposes

- general student administration relating to the education and welfare of the student
- communication with students and parents
- to ensure the health, safety and welfare of students, staff and visitors to the school
- state and national reporting purposes
- for any other purpose required by law.

The information will be stored securely. You may access or correct any personal information by contacting the school. If you have any concerns or complaints about the way your personal information has been collected, used or disclosed, please contact the school.

Once you have completed and signed this application please return this form to the school principal
Certificate for Extended Leave (L) – Travel

The student/s whose details appear below has been granted a period, as indicated, of extended leave from school for the purpose of travel.

### Student Details

<table>
<thead>
<tr>
<th>Family Name</th>
<th>Given Name</th>
<th>DOB</th>
<th>Age</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Address:  

<table>
<thead>
<tr>
<th>Postcode:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

### School Details

<table>
<thead>
<tr>
<th>School name:</th>
<th>School Telephone No.</th>
</tr>
</thead>
</table>

### Dates extended leave applied for:

<table>
<thead>
<tr>
<th>From:</th>
<th>To:</th>
<th>Total number of school days:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Reason for the granting of a period of extended leave:

### Conditions applicable to the granted period of extended leave:

It has been explained to the parent/caregiver of the above mentioned student/s that they are responsible for his/her/their supervision during the granted period of extended leave. The parent understands that the period of extended leave is limited to the period indicated and acknowledges that the granted period of extended leave is subject to the conditions listed.

---

Principal name:  
Signature:  
Date:

This certificate has been issued without alteration and must be produced when requested by police or other authorised attendance officers.
SECTION B

Exemption from Attendance (M)

Exemption from Enrolment (M)
12. EXEMPTION FROM ATTENDANCE AT SCHOOL

12.1 General Principles

12.1.1 This section applies to students of compulsory school age who are enrolled at school where an exemption is sought from the legal requirement to attend school. Refer to Statement 12. Exemptions from Enrolment at School.

12.1.2 It is the duty of the State to ensure that every child receives an education of the highest quality and it is the duty of parents to comply with the compulsory education requirements of the NSW Education Act 1990.

12.1.3 Certificates of Exemption from the compulsory education requirements of the Act may be granted by a delegated officer (as identified in 11.1.10 below) when it has been clearly demonstrated by the applicant that an exemption is in the student’s best interests in the short and long term and that alternatives to exemption have been considered. For example, in some cases, application for Distance Education may be more appropriate than seeking an exemption from school attendance.

12.1.4 Procedural fairness must be accorded to an applicant for an exemption.

12.1.5 Generally, Certificates of Exemption should not be approved in the case of students who have been the subject of a Community Services report or Child Wellbeing Unit report and for whom unresolved issues concerning a risk of harm remain. A risk assessment should be conducted to identify and manage the issues.

12.1.6 Where the delegate is aware of existing child protection concerns, (including where it may be in the child’s best interests to grant the exemption) the Director of Schools should be consulted.

12.1.7 Applications for exemption from school attendance must be made in writing (Refer to Part 20 Appendices). In exceptional circumstances, an oral request can be made to the school principal, seeking assistance in completing an application for exemption from school attendance.

12.1.8 In the case of students of compulsory school age who are enrolled in a school, applications for exemption from school attendance must be submitted in advance.

12.1.9 Exemptions from school attendance cannot be granted retrospectively under these Guidelines.

12.1.10 Under Section 25 of the NSW Education Act 1990, the Minister may grant a Certificate of Exemption. This power is delegated, subject to these Guidelines, to:

- Director of Schools, in relation to granting of an exemption from school attendance totalling up to 100 days in a 12 month period
- Principals, in relation to granting of an exemption from school attendance for periods totalling up to 100 days in a 12 month period for any one student.

**Delegates cannot delegate this power.**

- The power to exempt students in Catholic systemic schools for periods more than 100 days in a 12 month period currently remains with the Minister. Applications should be forwarded through the Catholic Schools Office to the Catholic Education Commission, NSW.

12.1.11 A delegate can refer the granting of an exemption to a more senior delegate where they identify circumstances that may make this more appropriate but cannot delegate this power to a less senior delegate.

12.1.12 Exemption from school attendance should only be granted where conditions exist which make it necessary or desirable in the view of the Minister or delegate, that a Certificate of Exemption be granted.
Section B: Exemptions from Attendance and Enrolment

12.1.13 If there is any case where there are circumstances that may not be considered by these Guidelines, and there appears to be an arguable interest of the child in the granting of an exemption but that such an exemption would appear to be prevented by these Guidelines, the case should be referred to the Director of Schools for consideration.

12.1.14 A delegate can cancel the Certificate of Exemption where they identify circumstances that they believe warrant this action. For example, where the conditions attached to the exemption are not being met.

12.1.15 If an applicant wishes to appeal against a decision made by the delegate, the appeal would go to the delegate above the decision maker.

12.1.16 In these Guidelines, the term ‘parent’ or ‘parents’ includes any person or persons having the custody or care of the child.

12.2 Reasons for Granting Full and/or Part Day Exemptions from Attendance at School

12.2.1 Principals and the Director of Schools may grant exemptions where the codes ‘F’, ‘H’, ‘L’, ‘S’ would not normally apply, that is, where they consider that these codes are not applicable. Exemptions (reason code ‘M’) could apply in the case of:

- exceptional circumstances such as the health of the student where sick leave or alternative enrolment is not appropriate
- the child is prevented from attending school because of a direction under section 42D of the Public Health Act 1991 (the parent is not required to complete an application for exemption in this case)
- a student’s employment in the entertainment industry. Note: appropriate regular and efficient instruction must be provided for all applicants approved in this category (see information Form B1)
- a student’s participation in elite arts or elite sporting events. Note: where programs run for more than ten (10) consecutive school days, applicants should be provided with an educational program (see information Form B2)

For any other matter, the principal must consult a senior officer of the Diocese

12.2.2 The attendance register must indicate exemptions with the code ‘M’.

12.3 Conditions Attached to Exemptions from Attendance at School

12.3.1 Certificates of Exemption issued by Director of Schools and Principals must:

- include the specific conditions that apply to the exemption
- state that the exemption may be cancelled if these conditions cease apply
- specify a period for which the exemption had been granted.

12.3.2 The original Certificate of Exemption should be provided to the parents.

12.3.3 A copy of the Certificate of Exemption must be filed in the student’s record file.

12.3.4 The delegate should retain a copy of the signed Certificate of Exemption in the delegate’s official records.

13. EXEMPTION FROM ENROLMENT AT SCHOOL

13.1 General Principles

13.1.1 This section applies to children of compulsory school age where an exemption is sought from the legal requirement to enrol at and attend school.

13.1.2 It is the duty of the State to ensure that every child receives an education of the highest
quality and it is the duty of parents to comply with the compulsory education requirements of the *NSW Education Act 1990*.  

13.1.3 In the case of parents of children of compulsory school age seeking authority not to enrol, this must be considered as an application for exemption from school enrolment. Under Section 25 of the *NSW Education Act 1990*, the Minister may grant a certificate of exemption.  

13.1.4 Applications for exemption from enrolment at school must be made in writing (Appendix B, Form B5 or B8 as applicable). In exceptional circumstances, an oral request can be made to the school principal, seeking assistance on completing an application for exemption from school enrolment.  

13.1.5 Procedural fairness will be accorded to an applicant for an exemption. If the delegate is considering refusing to grant an exemption, the parent/caregiver should be given an opportunity to respond to the delegate’s concerns before a final decision is made. This opportunity should be offered to the parent/caregiver in writing.  

13.1.6 Under Section 25 of the *NSW Education Act 1990*, the Minister may grant a Certificate of Exemption from enrolment at school. This power is delegated, subject to these Guidelines, to Director of Schools, in relation to granting of an exemption from enrolment at school totalling up to 100 days in a twelve month period. The power to exempt students in Catholic systemic schools for periods more than 100 days in a 12 month period currently remains with the Minister. Applications should be forwarded through the diocesan office to the Catholic Education Commission, NSW.  

13.1.7 The Director-General of the NSW DEC is delegated the power to exercise all the Minister’s powers under Section 25 without limitation.  

13.1.8 Exemption from enrolment should only be granted where conditions exist which make it necessary or desirable in the view of the Minister or delegate that a Certificate of Exemption be granted.  

13.1.9 If there is any case, where there are circumstances that may not be considered by these Guidelines and an exemption appears to be in the best interests of the child, the case should be referred to the Director-General for consideration. This may be done through the Catholic Schools Office.  

13.2 Reasons for Granting Exemptions from Enrolment at School  

13.2.1 Director of Schools may grant such exemptions (for up to 100 days in a 12-month period) due to:  

- age, where a child turns six years on or after 1 October and is engaged in:  
  - full time preschool education at an accredited preschool for the remainder of that school year  
  - participation in full or part-time accredited preschool programs for students with disabilities leading to enrolment and full time attendance at a government or registered non-government school not later than six months after the child’s sixth birthday.  
- the health or disability of a child necessitating the continuation of an individual program supported by medical specialists not longer than six months after the child’s sixth birthday.  

Where children are expected to enrol in Kindergarten following the period of exemption from enrolment, they may be involved in a transition-to-school program as a condition of their exemption.
The delegate may, for the purpose of establishing a child’s eligibility for an exemption based on full time preschool attendance, require proof of enrolment or participation in the preschool.

The delegate may, for the purpose of establishing a child’s eligibility for an exemption on the ground of health or disability, require a statement in support of the exemption from the child’s medical specialist.

13.2.2 Under Section 21B of the **NSW Education Act 1990**, Secondary Principals and Director of Schools may grant exemptions from enrolment in school to students of compulsory school age, provided they have completed Year 9 secondary education and approval has been given to their entering a **full time apprenticeship or traineeship** before they have completed Year 10 see Part 19 of Section C - **Completion of Education Under Special Circumstances** for further information. Such exemptions will only be granted to a student where the:

- principal considers that, in all the circumstances, the student is a suitable candidate to complete his or her education through an apprenticeship or traineeship
- student’s parents give permission for this to occur
- principal has sighted a full time apprenticeship or traineeship contract signed by the employer and a NSW Apprenticeship/Traineeship - Training Proposal authorised by the Registered Training Organisation
- employer agrees to notify the Diocesan Catholic Education/Schools Office (through the Principal) if the apprenticeship or traineeship is abandoned before the student turns 17. If the apprenticeship or traineeship is abandoned before the student turns 17, he or she will not have completed Year 10 and will be legally required to do so under another pathway of the Act (for example by returning to school or seeking enrolment in TAFE NSW)
- the apprenticeship or traineeship is subsequently approved by the Commissioner for Vocational Training, State Training Services as suitable for the young person and the training contract attains ‘registered’ status following the probationary period. (Where approval is granted by the Principal and the Commissioner subsequently notifies the student of his or her decision not to approve the contract following the probationary period, the approval and the exemption from compulsory schooling cease from that point to operate, and the student’s parents must take steps to comply with their compulsory schooling obligations).

13.2.3 Refer to Form B7: **Checklist for Approval of a Student to Complete Year 10 of a Secondary Education by Undertaking a Full-time Apprenticeship or Traineeship**.

13.3 Conditions Attached to Exemptions from Enrolment at School

13.3.1 Certificates of Exemption from enrolment must:
- include any specific conditions that apply to the exemption;
- state that the exemption may be cancelled if any such conditions are not met;
- specify a period for which the exemption had been granted.

13.3.2 The original Certificates of Exemption will be provided to the parents. A copy of the Certificate of Exemption will be provided to the school on subsequent enrolment and must be attached to the student’s record card. A copy of the signed Certificate of Exemption will be retained by the designated CSO officer.
## Section B: Exemptions from Attendance and Enrolment

### 14. APPENDICES TO SECTION B

<table>
<thead>
<tr>
<th>Form number</th>
<th>Form type</th>
<th>Form name</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>Information sheet</td>
<td>Exemption from Attendance at School for Employment in the Entertainment Industry</td>
</tr>
<tr>
<td>B2</td>
<td>Information sheet</td>
<td>Exemption from Attendance at School for Participation in Accredited Elite Arts or Elite Sports Programs</td>
</tr>
<tr>
<td>B3</td>
<td>Application Form</td>
<td>Application for Exemption from Attendance At School</td>
</tr>
<tr>
<td>B4</td>
<td>Certificate</td>
<td>Certificate issued by principals for Exemption from Attendance at School</td>
</tr>
</tbody>
</table>

**Exemption from Enrolment**

For reasons other than completion of Year 10 by full time apprenticeship or traineeship

<table>
<thead>
<tr>
<th>Form number</th>
<th>Form type</th>
<th>Form name</th>
</tr>
</thead>
<tbody>
<tr>
<td>B5</td>
<td>Application form</td>
<td>Application for Exemption from Enrolment at School Application for reasons other than completion of a full-time apprenticeship or traineeship commencing in Year 10</td>
</tr>
<tr>
<td>B6</td>
<td>Certificate</td>
<td>Certificate issued by principals for Exemption from Enrolment at School Certificate issued for reasons other than completion of a full-time apprenticeship or traineeship commencing in Year 10</td>
</tr>
</tbody>
</table>

**Exemption from Enrolment**

For completion of Year 10 by full time apprenticeship or traineeship

<table>
<thead>
<tr>
<th>Form number</th>
<th>Form type</th>
<th>Form name</th>
</tr>
</thead>
<tbody>
<tr>
<td>B7</td>
<td>Checklist</td>
<td>Checklist for approval of a student to complete Year 10 of secondary education by undertaking a full-time apprenticeship or traineeship</td>
</tr>
<tr>
<td>B8</td>
<td>Application form</td>
<td>Application for Exemption from Enrolment at School Application for the purpose of completion of Year 10 of secondary education by undertaking a full time apprenticeship or traineeship</td>
</tr>
<tr>
<td>B9</td>
<td>Certificate</td>
<td>Certificate of Exemption from Enrolment at School Certificate issued by principals for the purpose of completion of Year 10 of secondary education by undertaking a full time apprenticeship or traineeship</td>
</tr>
</tbody>
</table>

**Other**

<table>
<thead>
<tr>
<th>Form number</th>
<th>Form type</th>
<th>Form name</th>
</tr>
</thead>
<tbody>
<tr>
<td>B10</td>
<td>Sample Letter</td>
<td>Sample Letter to applicant declining the exemption</td>
</tr>
</tbody>
</table>

**Note: Record retention**

- Applications for exemptions are to be retained by the school; Copies of applications should be issued to the applicant.
- Certificates are to be retained by applicants; Copies of certificates issued are to be retained by the school.
Exemption from Attendance at School for Employment in the Entertainment Industry

Education Program

- Appropriate regular and efficient instruction must be provided for all applicants approved under this section.
- The tutor must consult with the principal of the school at which the student is enrolled in the planning and development of the educational program for that student.
- The educational program must be compatible with the program being undertaken at the student’s school.
- It must be suitable for the age, maturity and ability of the student.
- The educational program should be comprehensive, balanced and sequential.
- There should be sufficient printed and non-printed resources to meet the demands of the program.

Tutors

- Tutors must provide evidence that they have a current Working with Children Check.
- Tutors must provide evidence that they hold appropriate teaching qualifications recognised by the Diocesan Office, for example, Bachelor of Education, Diploma of Teaching/Education.
- The efficiency of tutors and effectiveness of their instruction may be assessed by the investigating officer during visits to the place of employment.

Periods of Instruction

- Sufficient hours of instruction must be provided to ensure that the requirements of the teaching/learning program are being met. In general, there should be a minimum of two hours and an average of four hours instruction each school day.
- Where possible, disjointed tutoring should be avoided.
- Instruction shall only occur between 7.00am and 7.00pm on school days.
- Instruction shall not occur during weekends or school holidays.
- The tutor must ensure that adequate meal and rest breaks are provided during the period of instruction.

Places of Instruction

- A suitable area with adequate lighting, ventilation and space must be provided for instruction.
- Furnishings should be suitable for the purpose of undertaking the educational program.
- This area should be free from distractions during periods of instruction.

Records

- The tutor must complete a register of daily activities, which will include details of:
  - parts of the educational programs which have been covered,
  - the days on which instruction occurred,
  - the length of the instruction periods.
- The register must be available for inspection when requested by an investigating officer.
- The tutor must evaluate the student’s progress regularly and maintain appropriate records.
- All records of the student’s study, educational progress and actual work must be provided to the student’s school at regular intervals.

A Certificate of Exemption may be cancelled at any time if any of these conditions are not being met.
Exemption from Attendance at School for Participation in Accredited Elite Arts or Elite Sports Programs

Accredited Elite Arts or Elite Sports Programs

Accredited elite arts or elite sports programs include state, national and international arts/sports organisations who run camps for athletes and state/national representative sports squads in which students have been selected to participate. They also include talent identification programs run by the New South Wales Department of Sports and Recreation. Where programs run for more than five school days (one week), applicants should be provided with an educational program under this Section - see requirements below.

Educational Program

- The principal is responsible for ensuring that an appropriate educational program is provided for the student.
- The educational program must be compatible with the program being undertaken at the student’s school. It must be suitable for the age, maturity and ability of the student.

Periods of Instruction

- As per DEC info sheet: The student must be able to engage in sufficient hours to ensure that the requirements of the teaching/learning program are being met. In general, the student should engage with the educational program for an average of 2 hours instruction each school day.
- 2. The student will not undertake the educational program during weekends or school holidays.
- 3. Adequate meal and rest breaks should be undertaken by the student during their engagement with the educational program.

Places of Instruction

- A suitable study area with adequate lighting, ventilation and space must be provided for the student.
- Furnishings should be suitable for the purpose of undertaking the educational program.
- This area should be free from distractions during periods of study.

Records Change as per DEC info sheet

- All records of the student’s pattern of study and actual work undertaken must be provided to the student’s school at regular intervals either by the student or the student’s parent/caregiver.

A Certificate of Exemption may be cancelled at any time if any of these conditions are not being met
# Application for Exemption from Attendance at School (M)

**Part A**

*To be completed by parent/caregiver; if exemption is sought for more than one student, separate applications need to be made*

<table>
<thead>
<tr>
<th>School Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name/Suburb:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Student Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family name:</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Date of Birth:</td>
</tr>
</tbody>
</table>

**Application for Exemption**

If consecutive dates:

<table>
<thead>
<tr>
<th>Dates exemption applied for:</th>
<th>From:</th>
<th>To:</th>
<th>Total number of school days:</th>
</tr>
</thead>
</table>

If non-consecutive dates:

<table>
<thead>
<tr>
<th>Individual dates applied for:</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Reason for Exemption from Attendance at School <em>(tick relevant box)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Exceptional circumstances</td>
</tr>
<tr>
<td>2. Employment in entertainment industry</td>
</tr>
<tr>
<td><em>Employer to complete Part B if the application is for 10 or more consecutive school days</em></td>
</tr>
<tr>
<td>3. Participation in elite arts/sporting event</td>
</tr>
<tr>
<td><em>A schedule of training or tour itinerary from the arts/sporting body (for example, Australian Institute of Sport) must be attached with contact names and numbers.</em></td>
</tr>
</tbody>
</table>

Name of accredited elite program:

Reason (tick one): Training for elite program ☐ Elite program event or tour ☐
Application for Exemption from Attendance at School (Form B3)

Please provide more detail about the reason for the application for Exemption from Attendance at School

<table>
<thead>
<tr>
<th>Are there any prior or current exemptions?</th>
<th>Yes ☐</th>
<th>No ☐</th>
<th>(If yes, provide details)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dates of prior/current exemption(s) applied for</td>
<td>From:</td>
<td>To:</td>
<td>No. of school days:</td>
</tr>
<tr>
<td>Is copy of prior/current Certificate of Exemption attached?</td>
<td>Yes ☐</td>
<td>No ☐</td>
<td></td>
</tr>
</tbody>
</table>

Parent/Caregiver Details

<table>
<thead>
<tr>
<th>Family name:</th>
<th>Given name(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>Postcode:</td>
</tr>
<tr>
<td>Contact Tel:</td>
<td>Relationship to student:</td>
</tr>
</tbody>
</table>

Declaration and Signature

As the parent/caregiver of the above mentioned student, I hereby apply for a Certificate of Exemption from Attendance at School, under the NSW Education Act 1990. I understand that, if the exemption is granted:

- I am responsible for the supervision of the student during the Period of Exemption
- the exemption is limited to the period indicated
- the exemption is subject to the conditions listed on the Certificate of Exemption
- the exemption may be cancelled at any time.

I declare that the information provided in this Application for a Certificate of Exemption is, to the best of my knowledge and belief, accurate and complete. I recognise that, should statements in this Application later prove to be false or misleading, any decision made as a result of this Application may be reversed. I further recognise that a failure to comply with any condition set out in the exemption may result in the exemption being revoked.

_________________________________________  ________________
Signature                              Date

Once you have completed and signed Part A please return this form to the school principal.

Privacy Statement

The information provided will be used to process the student’s Application for an Exemption from the requirement to enrol at and/or attend school. It will only be disclosed for the following purposes:

- general student administration relating to the education and welfare of the student
- communication with students and parents
- to ensure the health, safety and welfare of students, staff and visitors to the school
- state and national reporting purposes
- for any other purpose required by law.

Notes: The information will be stored securely. You may access or correct any personal information by contacting the school. If you have any concerns or complaints about the way your personal information has been collected, used or disclosed, please contact the school.

cont’d...
**Part B: Employer’s details**

*Completed by the employer for the student’s employment in the entertainment industry*

<table>
<thead>
<tr>
<th>Employer’s Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company/Corporation Name:</td>
</tr>
<tr>
<td>Contact Person:</td>
</tr>
<tr>
<td>Address</td>
</tr>
<tr>
<td>Postcode:</td>
</tr>
<tr>
<td>Contact Tel:</td>
</tr>
</tbody>
</table>

**Reason for the Application for Exemption from Attendance at School**

<table>
<thead>
<tr>
<th>Attachments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detailed itinerary/work schedule for the period of exemption sought</td>
</tr>
<tr>
<td>Evidence of tutor’s teaching qualifications supplied by employer</td>
</tr>
<tr>
<td>Evidence that the tutor meets child protection requirements</td>
</tr>
</tbody>
</table>

**Employer’s Signature**

Signature ___________________________ Date ___________________________

*Please forward the completed form to the School*
**Part C: Principal’s Recommendation**

*Completed by the school principal*

<table>
<thead>
<tr>
<th>Principal’s Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Contact Tel:</td>
</tr>
<tr>
<td>Email:</td>
</tr>
</tbody>
</table>

Complete if the exemption is for the student’s participation in an elite sporting event

| The tutor has consulted the school in the planning and development of this student’s educational program for the period of the exemption | Yes ☐ No ☐ |
|-------------------------------------------------------------------------------------------------------------------------------|
| Comment:                                                                                                                      |

Complete one either (i) or (ii)

(i) **Principal’s Decision and Signature: Application for Exemption of less than 100 days**

- **Granted** ☐ Complete Form B4 (*Certificate of Exemption from Attendance at School*)
- **Declined** ☐ Details:

<table>
<thead>
<tr>
<th>Name of Principal:</th>
<th>Contact Tel:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

(ii) **Principal's Recommendation and Signature: Application is for Exemption of 100 days or more**

Principal makes a recommendation and forwards it to the investigation officer of the Catholic Schools Office.

- **Granted** ☐ Forward recommendation to CSO; CSO to complete Part D
- **Declined** ☐ Details:

<table>
<thead>
<tr>
<th>Name of Principal:</th>
<th>Contact Tel:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

**Principal’s Signature**

**Signature**

**Date**

*Where the exemption period requested exceeds 100 school days in a 12-month period, the application is to be forwarded to the investigating officer of the CSO who will make a recommendation to NSWCEC (Part D)*
Part D: Investigating Officer’s Recommendation

Completed by the Investigating Officer of the CSO for applications of 100 days or more

<table>
<thead>
<tr>
<th>Investigating Officer’s Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Position:</td>
</tr>
<tr>
<td>Contact Tel:</td>
</tr>
<tr>
<td>Email:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Investigating Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Following consideration of this application, I am satisfied that conditions <em>exist</em> ☐ <em>do not exist</em> ☐ making it necessary and/or desirable for:</td>
</tr>
<tr>
<td><em>Name of student</em> to be exempt from attendance at school._</td>
</tr>
<tr>
<td>I recommend that the Certificate of Exemption be: <em>Granted</em> ☐ <em>Not Granted</em> ☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reasons for recommendation not to grant a Certificate of Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Suggested conditions applying to the recommendation to grant a Certificate of Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Investigating Officer’s Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature:</td>
</tr>
<tr>
<td>Date:</td>
</tr>
</tbody>
</table>

Where the exemption period requested _exceeds 100 school days in a 12-month period_, the recommendation is to _be forwarded by the investigating officer of the CSO who will make a recommendation to NSWCEC (Part E)_.
**Part E: Minister’s Recommendation**  
*Completed by the Minister’s delegate for applications for 100 or more days*

<table>
<thead>
<tr>
<th>Minister’s Recommendation <em>(to be completed by the Delegate)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>Following consideration of this application, I am satisfied that conditions</td>
</tr>
<tr>
<td>making it necessary and/or desirable for:</td>
</tr>
<tr>
<td>Name of student</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Delegate’s Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Contact Tel:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Delegate’s Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date applicant notified:</th>
</tr>
</thead>
</table>

Principal issues Certificate of Exemption from Attendance at School *(Form B6 B4)*
# Certificate for Exemption from Attendance at School (M)

## School Details

<table>
<thead>
<tr>
<th>Name/Suburb:</th>
<th>Tel. No:</th>
</tr>
</thead>
</table>

## Student Details

<table>
<thead>
<tr>
<th>Family name:</th>
<th>Given name(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>Postcode:</td>
</tr>
<tr>
<td>Date of Birth:</td>
<td>Age:</td>
</tr>
<tr>
<td></td>
<td>Student No:</td>
</tr>
</tbody>
</table>

## Application for Exemption

<table>
<thead>
<tr>
<th>If consecutive dates: Dates of exemption</th>
<th>From:</th>
<th>To:</th>
<th>Total number of school days:</th>
</tr>
</thead>
</table>

| If non-consecutive dates: Individual dates of exemption | |

## Reason for Exemption from Attendance at School *(please tick relevant box)*

- Exceptional circumstances
- Direction under section 42D of the Public Health Act 1991
- Employment in entertainment industry
- Participation in elite sporting event

Note: The parent of the above mentioned student has been advised that they are responsible for the student’s supervision during the period of exemption. The parent:

- understands that the exemption (M) is limited to the period indicated
- acknowledges that the exemption (M) is subject to the conditions listed
- understands that the exemption (M) may be cancelled at any time

## Delegate’s Details and Signature

<table>
<thead>
<tr>
<th>Name:</th>
<th>Position:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Tel:</td>
<td>Email:</td>
</tr>
<tr>
<td>Delegate’s Signature:</td>
<td>Date</td>
</tr>
</tbody>
</table>

**This certificate has been issued without alteration and must be produced when requested by police or other authorised attendance officers.**
Application for Exemption from Enrolment at School (M)
for reasons other than completion of a full-time apprenticeship or traineeship commencing in year 10

Part A
To be completed by parent/caregiver; if exemption is sought for more than one student, separate applications need to be made.

<table>
<thead>
<tr>
<th>School Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name/Suburb:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Student Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family name:</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Date of Birth:</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Application for Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dates exemption applied for</td>
</tr>
</tbody>
</table>

Reason for Exemption from Enrolment at School (please tick relevant box)

- Age, where a child turns six years on or after 1st October and is engaged in full-time pre-school education at an accredited pre-school for the remainder of the school year [ ]
- Participation in full- or part time accredited pre-school programs for students with disabilities leading to enrolment and full time attendance at a government or registered non-government school no later than six months after the child’s sixth birthday [ ]
- The health or disability of a child necessitates the continuation of an individual program supported by medical specialists no longer than six months after the child’s sixth birthday [ ]
- Cultural / trauma / medical [ ]

Please provide details about the reason for the Application for Exemption:
Application for Exemption from Enrolment at School (for reasons other than completion of a full-time apprenticeship or traineeship commencing in year 10); Form B5

Parent/Caregiver Details

<table>
<thead>
<tr>
<th>Family name:</th>
<th>Given name(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>Postcode:</td>
</tr>
<tr>
<td>Contact Tel:</td>
<td>Relationship to student:</td>
</tr>
</tbody>
</table>

Declaration and Signature

As the parent/caregiver of the above mentioned student, I hereby apply for a Certificate of Exemption from Enrolment at School, under the [NSW Education Act 1990](http://srd.dbbcso.org/attendance-faqs.html).

I understand that, if the exemption is granted:

- I am responsible for the supervision of the student during the period of exemption
- the exemption is limited to the period indicated
- the exemption is subject to the conditions listed on the Certificate of Exemption
- the exemption may be cancelled at any time.

I declare that the information provided in this Application for a Certificate of Exemption is, to the best of my knowledge and belief, accurate and complete. I recognise that, should statements in this Application later prove to be false or misleading, any decision made as a result of this Application may be reversed.

I further recognise that a failure to comply with any condition set out in the exemption may result in the exemption being revoked.

---

**Signature**

**Date**

*Once you have completed and signed Part A please return this form to the school principal.*

Privacy Statement

The information provided will be used to process the student’s Application for an Exemption from the requirement to enrol at and/or attend school. It will only be disclosed for the following purposes

- general student administration relating to the education and welfare of the student
- communication with students and parents
- to ensure the health, safety and welfare of students, staff and visitors to the school
- state and national reporting purposes
- for any other purpose required by law.

Notes:

- The information will be stored securely.
- You may access or correct any personal information by contacting the school.
- If you have any concerns or complaints about the way your personal information has been collected, used or disclosed, please contact the school.
Part B: Investigating Officer’s Recommendation

*Completed by the Investigating Officer of the CSO for applications of 100 days or more*

<table>
<thead>
<tr>
<th>Investigating Officer’s Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Contact Tel:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Investigating Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Following consideration of this application, I am satisfied that conditions [exist]☐ [do not exist]☐ making it necessary and/or desirable for:</td>
</tr>
<tr>
<td>Name of student</td>
</tr>
</tbody>
</table>

I recommend that the Certificate of Exemption be: [Granted]☐ [Not Granted]☐

<table>
<thead>
<tr>
<th>Reasons for recommendation not to grant a Certificate of Exemption</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Suggested conditions applying to the recommendation to grant a Certificate of Exemption</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Investigating Officer’s Signature</th>
</tr>
</thead>
</table>

---

Signature  Date
**Part C: Diocesan Director’s Decision**

*Completed by the CSO Diocesan Director for applications of 100 days or more*

<table>
<thead>
<tr>
<th>Director’s Decision for exemption of less than 100 days (to be completed by the Director)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Following consideration of this application, I am satisfied ☐ not satisfied ☐, that conditions making it necessary and/or desirable for:</td>
</tr>
<tr>
<td>to be exempt from enrolment at school.</td>
</tr>
<tr>
<td>Name of student</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Director’s Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Email:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Director’s Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature Date</td>
</tr>
</tbody>
</table>

Date applicant notified:

Please complete the Certificate of Exemption from Enrolment at School (Form B8) if the exemption is granted.
Part D: Minister’s Recommendation

Completed by the Minister’s delegate for applications for 100 or more days

Minister’s Recommendation

Following consideration of this application, I am satisfied ☐ not satisfied ☑ that conditions making it necessary and/or desirable for:

__________________________________________________________________________

______________
Name of student

Delegate’s Details

Name: ___________________________ Position: ___________________________
Contact Tel: ______________ Email: ___________________________

Delegate’s Signature

__________________________________________
Signature

Date

Please complete the Certificate of Exemption from Enrolment at School (Form B6) if the exemption is granted.
# Certificate for Exemption from Enrolment at School (M)

under Section 25 of the NSW Education Act 1990
(issued for reasons other than a full-time traineeship or an apprenticeship)

## School Details

Name/Suburb: | Tel. No:

## Student Details

<table>
<thead>
<tr>
<th>Family name:</th>
<th>Given name(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>Postcode:</td>
</tr>
<tr>
<td>Date of Birth:</td>
<td>Age:</td>
</tr>
</tbody>
</table>

## Application for Exemption

The named student has been granted an exemption from enrolment at school for the period indicated

<table>
<thead>
<tr>
<th>Dates exemption applied for</th>
<th>From:</th>
<th>To:</th>
<th>No. of school days:</th>
</tr>
</thead>
</table>

## Reason for Exemption


## Condition for Exemption

Note: The parent of the above mentioned student has been advised that they are responsible for the student’s supervision during the period of exemption. The parent:

- understands that the exemption is limited to the period indicated
- acknowledges that the exemption is subject to the conditions listed
- understands that the exemption may be cancelled at any time

## Delegate’s Details and Signature

<table>
<thead>
<tr>
<th>Name:</th>
<th>Position:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Tel:</td>
<td>Email:</td>
</tr>
</tbody>
</table>

Delegate’s Signature | Date

This certificate has been issued without alteration and must be produced when requested by police or other authorised attendance officers.
Checklist for Approval of a Student to Complete Year 10 of Secondary Education
(by undertaking a full-time apprenticeship or traineeship)

A student under the age of 17 who has not completed Year 10 must remain at school unless he/she has an exemption from schooling.

In order for a student, who has not completed Year 10, to do so by entering an apprenticeship or traineeship, if they wish to leave school while undertaking the apprenticeship or traineeship, they must obtain an exemption from schooling.

This checklist outlines the steps involved in this process - **all must be met**

<table>
<thead>
<tr>
<th>Step</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The student has completed Year 9 and has been offered a full-time apprenticeship or traineeship.</td>
</tr>
<tr>
<td>2</td>
<td>The parents have completed an Application for Exemption from Enrolment at School (Form B5).</td>
</tr>
<tr>
<td>3</td>
<td>The principal considers that, in all circumstances, the student is a suitable candidate to complete his/her education through an apprenticeship or traineeship.</td>
</tr>
<tr>
<td>4</td>
<td>The student’s parents give written permission for this to occur - ie have submitted an Application for Exemption from Enrolment at School (Form B5).</td>
</tr>
<tr>
<td>5</td>
<td>A NSW Apprenticeship or Traineeship - Training Plan Proposal is completed, signed by all parties and submitted with the application.</td>
</tr>
<tr>
<td>6</td>
<td>The principal has recorded the sighting of a full-time apprenticeship or traineeship contract, signed by the employer and a Training Plan Proposal authorised by the Registered Training Organisation (eg a photocopy placed in the student’s file).</td>
</tr>
<tr>
<td>7</td>
<td>The employer agrees to notify the principal in writing if the apprenticeship or traineeship is abandoned or cancelled before the student’s 17th birthday.</td>
</tr>
<tr>
<td>8</td>
<td>The principal advises the parent and student that if the apprenticeship/traineeship ceases before the student turns 17 and before the TAFE deems the equivalent of Year 10 to have been completed, the student will be legally required to complete Year 10 under another pathway of the Act (eg by returning to school or seeking enrolment at TAFE in a course equivalent to Year 10).</td>
</tr>
<tr>
<td>9</td>
<td>The principal advises the parent and student that the apprenticeship or traineeship must subsequently be approved by the Vocational Training, State Training Services as suitable for the young person and that the training contract attains a registered status following the probationary period. Where approval is granted by the principal and the commissioner subsequently notifies the student of her/his decision not to approve the contract following the probationary period, the approval and the exemption from compulsory education, ceases to operate and the student’s parents must take other steps to comply with the student’s compulsory schooling obligations.</td>
</tr>
<tr>
<td>10</td>
<td>The principal issues a Certificate of Exemption from Enrolment. (Form B11)</td>
</tr>
<tr>
<td>11</td>
<td>The student is removed from the school roll.</td>
</tr>
</tbody>
</table>
# Application for Exemption from Enrolment at School (M)

## for the purpose of completion of Year 10 of secondary education

by undertaking a full time apprenticeship or traineeship

## Part A

*To be completed by parent/caregiver; if exemption is sought for more than one student, separate applications need to be made*

<table>
<thead>
<tr>
<th>School Details</th>
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<td>Name/Suburb:</td>
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<th>Student Details</th>
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<td>Date of Birth:</td>
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<td>Student No:</td>
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<tr>
<th>Application for Exemption</th>
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<tr>
<td>Dates exemption applied for</td>
<td>From:</td>
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<td>To:</td>
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<tr>
<td></td>
<td>No. of school days:</td>
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<td>Postcode:</td>
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<tr>
<td>Contact Tel:</td>
<td>Relationship to child:</td>
</tr>
</tbody>
</table>
Application for Exemption from Enrolment at School (for the purpose of completion of Year 10 of secondary education by undertaking a full time apprenticeship or traineeship) (Form B8)

Declaration and Signature

As the parent/caregiver of the above mentioned student, I hereby apply for a Certificate of Exemption from Enrolment at School, under the **NSW Education Act 1990**.

I understand that, if the exemption is granted:

- I am responsible for the supervision of the student during the period of exemption
- if the arrangement with the employer ceases, the above named student must satisfy compulsory schooling requirements (i.e., complete Year 10 at school or at TAFE)
- the exemption is limited to the period indicated
- the exemption is subject to the conditions listed on the **Certificate of Exemption**.

I declare that the information provided in this Application for a Certificate of Exemption is, to the best of my knowledge and belief, accurate and complete. I recognise that, should statements in this Application later prove to be false or misleading, any decision made as a result of this Application may be reversed.

I further recognise that a failure to comply with any condition set out in the exemption may result in the exemption being revoked.

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<th>Signature</th>
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*Once you have completed and signed Part A please return this form to the school principal.*

Privacy Statement

The information provided will be used to process the student’s Application for an Exemption from the requirement to enrol at and/or attend school. It will only be disclosed for the following purposes:

- general student administration relating to the education and welfare of the student
- communication with students and parents
- to ensure the health, safety and welfare of students, staff and visitors to the school
- state and national reporting purposes
- for any other purpose required by law.

Notes:

- The information will be stored securely.
- You may access or correct any personal information by contacting the school.
- If you have any concerns or complaints about the way your personal information has been collected, used or disclosed, please contact the school.
Part B NSW Apprenticeship/Traineeship – Training Plan Proposal (to be completed by the RTO and the employer)

Please complete the training plan proposal – an editable document is available from the State Training Services website [www.training.nsw.gov.au](http://www.training.nsw.gov.au) (Training providers > apprenticeships & traineeships > proforma training plans)

### NSW Apprenticeship/Traineeship – Training Plan Proposal

<table>
<thead>
<tr>
<th>Apprentice/Trainee Personal Details</th>
<th>Employer Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Training Plan Proposal</strong></td>
<td>Legal Name</td>
</tr>
<tr>
<td>TCID</td>
<td>Trading Name</td>
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<td>Address</td>
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<td>Phone</td>
<td>F/code</td>
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<tr>
<td>Email</td>
<td>Email</td>
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<tr>
<td><strong>Aboriginal or Torres Strait Islander origin?</strong></td>
<td>Host Employer</td>
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<tr>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>No</td>
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<table>
<thead>
<tr>
<th><strong>Training Details</strong></th>
<th><strong>Registered Training Organisation</strong></th>
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<tr>
<td>Contract Type</td>
<td>RTO Legal Name</td>
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<tr>
<td>Employment Type</td>
<td>Trading Name</td>
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<td>Contact Name</td>
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<td>TC End Date</td>
<td>Tel</td>
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<td><strong>Vocation Title</strong></td>
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<td>Qualification Title</td>
<td>Email</td>
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<tr>
<td>Qualification Level</td>
<td>Acceptance of Agreement</td>
</tr>
<tr>
<td><strong>Mode of Delivery</strong></td>
<td>I the undersigned agree that:</td>
</tr>
<tr>
<td>Classroom based</td>
<td>a. the RTO nominated on this form has been selected to deliver training to this apprentice/trainee.</td>
</tr>
<tr>
<td>Electronic Based</td>
<td>b. a Training Plan will be developed by the RTO in consultation with the employer and apprentice/trainee within 12 weeks of approval of the Training Contract and a copy provided to the employer and apprentice/trainee.</td>
</tr>
<tr>
<td>Employment Based</td>
<td>c. delivery of training and assessment services will be in accordance with the AQTF, the Training Package, the Apprenticeship &amp; Traineeship Act 2001, and the terms and conditions of State Training Services’ Apprenticeships and Traineeships Training Program (ATTP) and Training Plan Guidelines.</td>
</tr>
<tr>
<td>Other Delivery (e.g. distance)</td>
<td>RTO Signature</td>
</tr>
<tr>
<td>RTO Training Address (if applicable)</td>
<td><strong>Print Name</strong></td>
</tr>
<tr>
<td><strong>State</strong></td>
<td><strong>Date:</strong></td>
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<td><strong>P/code</strong></td>
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<td>RTO Start Date</td>
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<td>RTO Completion Date</td>
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<td><strong>AAC</strong></td>
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<td>Tel:</td>
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<td>Mob:</td>
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<td>Fax:</td>
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**Australian Apprenticeships Centre**

**Acceptance of Agreement**

August 2012

**Part C**

*To be completed by the school Principal*

<table>
<thead>
<tr>
<th>Principal’s Details</th>
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<tr>
<td>Name:</td>
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<td>Contact Tel:</td>
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<tr>
<th>Principal’s Decision</th>
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<tbody>
<tr>
<td>Following consideration of this application, I am satisfied that conditions <strong>exist</strong> ☐ <strong>do not exist</strong> ☐ making it necessary and/or desirable for:</td>
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</table>

**Name of student**

Exemption from enrolment is herewith **Granted** ☐ **Not granted** ☐

For the period from to no. of school days:

<table>
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<th>Comments</th>
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<th>Principal’s Signature</th>
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<th>Signature</th>
<th>Date</th>
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**Date applicant notified:**

---

Please complete the Certificate of Exemption from Enrolment at School (Form B9) if the exemption is granted.
Certificate of Exemption from Enrolment at School

for the purpose of completion of Year 10 of secondary education
by undertaking a full time apprenticeship or traineeship

School Details

Name/Suburb: | Tel. No:

Student Details

Family name: | Given name(s):
Address: | Postcode:
Date of Birth: | Age: | Student No:

Exemption

The student whose details appear above has been granted an exemption from enrolment at school for the period indicated. Date of exemption from ……………………….to…………………..completion of apprenticeship or traineeship

This exemption is granted for the sole purpose of completion of education by completing a full time apprenticeship or traineeship commencing in Year 10.

Condition of exemption

- The training contract is approved by State Training Services
- If the arrangement with the employer ceases, the above named student must satisfy compulsory schooling requirements (ie. complete Year 10 at school or at TAFE).
- The employer must notify the principal in writing if the above named student does not complete the qualification or departs the program before his/her 17th birthday.

The parent/caregiver of the above student has been informed that they are responsible for his/her supervision during the period of exemption.

The parent/caregiver understands that this exemption is limited to the period indicated.

The parent/caregiver acknowledges that the exemption is subject to the conditions listed and that the exemption may be cancelled at any time.

Principal’s Details and Signature

Name:

Signature | Date

This certificate has been issued without alteration and must be produced when requested by police or other authorised attendance officers.
Example Letter (on school letterhead) Declining an Application for a Certificate of Exemption

Insert Date

Insert Address

Dear <>

You recently applied for a Certificate of Exemption for (name of student) from school attendance/enrolment in school (use appropriate term).

Certificates of Exemption may be granted when it has been clearly demonstrated by the applicant that an exemption is necessary or desirable and that alternatives to exemption have been considered. Further, the exemption must be in the student’s best interests in the short and long term.

Your application has been considered to assess its merit and a recommendation has been made to me as the delegated officer. On closer examination of your application, I find there are insufficient reasons to grant an exemption at this time.

I am not satisfied that an exemption from school attendance/enrolment in school (use appropriate term) is in (name of student’s) best interest. I encourage you to contact (name and title of personnel, student counsellor, welfare consultant, disability program consultant, district guidance officer, school counsellor or principal) to make an appointment to discuss this application further. They may be contacted on (telephone number).

You have the right to appeal this decision if you consider that correct procedures have not been followed or that an unfair decision has been made. You may wish to contact the Catholic Schools Office (name of Diocese) on (telephone number) to discuss the appeal procedures.

Yours sincerely

(Signature of delegate)
SECTION C

Completion of Education under Special Circumstances
Section C: Completion of Education under Special Circumstances

15. GENERAL PRINCIPLES

15.1 It is the duty of the State to ensure that every child receives an education of the highest quality and it is the duty of parents and caregivers to comply with the compulsory education requirements of the NSW Education Act 1990.

15.2 A child between the age of 6 and 17 may leave school only after they have completed Year 10 of secondary education. One of the ways of completing Year 10 of secondary education is to complete education through a special circumstance approved by the Minister for Education and Training.

15.3 Completion of Year 10 of Secondary education is defined as
   • completion of Year 10 through secondary school or home schooling; or
   • completion of a course of education provided by the TAFE NSW Commission and approved by the Minister for Education and Training as the equivalent of Year 10 of secondary education in NSW (refer to Form C3 - Approval to Undertake the equivalent of Year 10 of secondary education at TAFE NSW); or
   • outside of NSW, completion of the equivalent of Year 10 of secondary education in this State.

15.4 Completion of Year 10 outside of these circumstances is defined at a special circumstance for the purpose of these guidelines. Approval of Completion of Education under Special Circumstances may be granted by a delegated officer (as identified in 15.1 below) subject to the guidelines that follow.

16. DELEGATION OF AUTHORITY TO GRANT APPROVAL OF COMPLETION OF EDUCATION UNDER SPECIAL CIRCUMSTANCES

16.1 Under Section 21B 5(d) of the NSW Education Act 1990, the Minister may grant Approval of Completion of Education under Special Circumstances. This power is delegated, subject to these guidelines, to the following officers in the NSW Department of Education and Communities
   • The Deputy Director-General, Schools
   • General Manager Access and Equity
   • Regional Directors.

16.2 TAFE NSW Institute Directors should approve any program that includes a TAFE delivery component.

16.3 In addition, the Director-General is delegated the authority to exercise the Minister’s powers under Section 21B 5(d) without limitation.

17. REASON FOR GRANTING APPROVAL OF COMPLETION OF EDUCATION UNDER SPECIAL CIRCUMSTANCES

17.1 The Minister’s delegate may grant approval if he or she is satisfied that
   a. the applicant has demonstrated that he or she could not complete Year 10 of secondary education by any of the means set out in Section 14.3
   b. the program of education that has been undertaken by the young person, including the outcomes that have been achieved, amounts to an adequate basis for regarding the student’s school education as complete in the special circumstances of the case.
18. **PROCESS PRIOR TO GRANTING APPROVAL OF COMPLETION OF EDUCATION UNDER SPECIAL CIRCUMSTANCES**

18.1 It is not possible to specify all the potential cases for which approval to complete education in special circumstances may be warranted. Generally, given the range of options for completion of education that exists in the Act, it should be regarded as a rarely exercised power. It is important that any such decision takes into account the objects of the [NSW Education Act 1990](http://srd.dbcsso.org/attendance-faqs.html) and in particular the duty of the State to ensure every child receives an education of the highest quality. It should also take into account the objects of the [Children and Young Persons (Care and Protection) Act 1997](http://srd.dbcsso.org/attendance-faqs.html), so as to ensure a child is not subject to educational neglect. Moreover, it is not possible to use this power to allow a child not to be educated. (If there are circumstances that warranted such a decision, that case should be dealt with as an “exemption” from the requirements of the Act under Section 25).

18.2 Approval for special circumstance completion of secondary education is granted only when the relevant education, equivalent to the completion of Year 10 secondary education, is finished. Where practicable the student and his or her parents or caregivers should be made aware in advance of what the student needs to do for his or her education to be approved under 21B (5) (d).

18.3 Where a young person has undertaken and completed education in circumstances not otherwise covered by the Act, the following process will apply. The student will provide to the delegated officer
- a statement of detailed evidence of each individual subject or course studied and completed and the result or grade achieved
- the original certificate of any educational qualification achieved as a result of this course of study,
- a statement of record of attendance during the period of study.

18.4 An applicant is to be provided
- information regarding how decisions are made about applications under 21B (5)(d) and the consequences that flow from those decisions; and
- an opportunity to prove to the delegate that the student has completed his or her education as a ‘special circumstance’ in accordance with Section 21B (5)(d) of the [NSW Education Act 1990](http://srd.dbcsso.org/attendance-faqs.html).
- the delegate who makes the decision must be impartial and unbiased.

18.5 Applications for [Approval of Completion of Education under Special Circumstance](http://srd.dbcsso.org/attendance-faqs.html) must be made in writing, with relevant documentary evidence provided.

19. **CONDITIONS ATTACHED TO APPROVAL OF COMPLETION OF EDUCATION UNDER SPECIAL CIRCUMSTANCES**

19.1 The original of the Approval of Completion of Education under Special Circumstances (Form C2) will be provided to the parents or caregivers of the student or to the student if he or she is living independently.

19.2 The delegate should retain a signed copy of the Approval of Completion of Education under Special Circumstances (Form C2) and/or Certificate of Exemption from Enrolment at School (Form B6 or B9 as applicable) in the delegate’s official records.
20. COMPLETION OF EDUCATION BY COMPLETION OF AN APPRENTICESHIP OR TRAINEESHIP

20.1 The Minister has granted approval under Section 21B (5) (d) for completion of an apprenticeship or traineeship subject to the permission outlined below to be a special circumstance for the completion of education.

20.2 The following requirements must be met for permission to be granted to a student to undertake an apprenticeship or traineeship as the completion of their education.

20.2.1 The student has completed Year 9 and has been offered a full-time apprenticeship or traineeship.

20.2.2 The principal considers that, in all the circumstances, the student is a suitable candidate to complete his or her education through an apprenticeship or traineeship.

20.2.3 The student’s parents give permission for this to occur.

20.2.4 The principal has sighted a full time apprenticeship or traineeship contract signed by the employer and a NSW Apprenticeship/Traineeship – Training Proposal authorised by the Registered Training Organisation.

20.2.5 The employer agrees to notify the principal if the apprenticeship or traineeship is abandoned or cancelled before the student turns 17. If the student does not complete the apprenticeship or traineeship, he or she will not have completed Year 10 and will be legally required to do so under another pathway of the Act (for example by returning to school or seeking enrolment in TAFE NSW).

20.2.6 The apprenticeship or traineeship is subsequently approved by the Commissioner for Vocational Training, State Training Services as suitable for the young person and that the training contract attains a ‘registered’ status following the probationary period. (Where approval is granted by the principal and the Commissioner subsequently notifies the student of his or her decision not to approve of the contract following the probationary period, the approval, and the exemption from compulsory schooling, ceases from that point to operate, and the student’s parents must take other steps to comply with their compulsory schooling obligations).

20.3 Where a student wishes to complete their education by undertaking an apprenticeship or traineeship, the student and his or her parent or caregiver should speak initially with the principal of the school at which the student is currently enrolled. At this meeting the reasons for undertaking the apprenticeship or traineeship should be discussed. The parent or caregiver and the student should be advised that should the training arrangement cease, the young person must still satisfy compulsory schooling requirements. Only if the principal is satisfied that the applicants understand the requirements and the conditions should he or she give permission for the process.

20.4 The Minister has delegated to secondary principals the power to grant a certificate of exemption from attending school under Section 25 for the sole purpose of completing their education through undertaking an apprenticeship or traineeship. If the principal grants permission to the student to undertake the apprenticeship or traineeship, he or she should also grant a certificate of exemption from enrolment at school subject to the completion of the contract of training, that is, Certificate of Exemption from Enrolment at School (Form B9).

20.5 In such cases, the secondary principal can approve the student’s Application for Exemption from Enrolment at School, to continue education as a full time contracted apprentice or trainee. (Please note Exemptions cannot be granted retrospectively; see Section B Part 12.2.2.).

20.6 Where a student has completed the apprenticeship or traineeship for which he or she has been given the permission required by 18.2 above, he or she will have completed year 10 of secondary education for the purpose of Section 21B (5) of the NSW Education Act 1990.
21. APPENDICES TO SECTION C

C1 Application for Approval of Completion of Education under Special Circumstances
C2 Approval to Complete Education under Special Circumstances
C3 Approval to Undertake the Equivalent of Year 10 of Secondary Education at TAFE NSW

Application for Approval of Completion of Education under Special Circumstances

Section 21B of the NSW Education Act 1990

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<tr>
<td>Address:</td>
</tr>
<tr>
<td>Date of Birth:</td>
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</table>

Application for Approval

Please provide reasons why approval is sought. This should include:

- a detailed account of the education that has been completed
- an explanation outlining why the student’s education should be regarded as equal to completion of school education
- an explanation of the special circumstances of the case that would justify the approval.

Applicants will need to attach copies of all relevant documents to this Application to enable the Minister’s delegate to be satisfied that the student has engaged with education to an extent and at an appropriate level to enable the student’s school education to be regarded as complete.

Note: This is not an exemption from the requirements of compulsory school education. If a formal exemption is sought, refer to section 11 of these guidelines.

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<th>Parent/Caregiver Details</th>
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<tr>
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<td>Address:</td>
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<tr>
<td>Contact Tel:</td>
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<td>Signature</td>
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</table>
# Approval to Complete Education under Special Circumstances

Section 21B of the NSW Education Act 1990

## School Details

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## Student Details

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<tr>
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<td>Date of Birth:</td>
<td>Age:</td>
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## Reason for Approval


## Parent/Caregiver Signature

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<tr>
<th>Name (please print):</th>
<th>Relationship to student:</th>
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<td>Signature:</td>
<td>Date:</td>
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## Delegate Signature

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<th>Name (please print):</th>
<th>Position held:</th>
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<tbody>
<tr>
<td>Signature:</td>
<td>Date:</td>
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</table>

This approval has been issued without alteration

Certificate B9 should also be completed if this exemption is granted to undertake an apprenticeship/traineeship
Compulsory School Attendance
22. **LEGAL ACTION GUIDELINES**

22.1 **Context**

All children from **six years of age and under the minimum school leaving age of 17** are legally required to attend school. Parents of compulsory school aged children have a duty to ensure that their child is enrolled at and attends a government school or registered non-government school, or is registered for home schooling. ([NSW Education Act 1990](http://www.law.nsw.gov.au/legislation/edact90.shtml))

All New South Wales students must complete Year 10. After Year 10 and until they turn 17 years of age students must be in a school or registered for home schooling, or full-time in:

- further education and training (e.g. TAFE, traineeship, apprenticeship);
- full-time, paid employment of an average 25 hours per week; or
- a combination of both of the above.

In 2010 there were changes to the **Children and Young Persons (Care and Protection) Act 1998** that identified children and young people who **habitually did not attend school** or who were **not enrolled** as reasons to make a report to Community Services (CS) under **Education Neglect (Section 23 (b) 1)**.

Habitual non-attendance can be described notionally as 30 unjustified/unexplained days out of 100 days. Care must be taken with this description as other risk factors may impact on the requirement to report.

22.2 **Keep Them Safe** A shared approach to child wellbeing


Anyone who has reasonable grounds to suspect a child or young person is at risk of significant harm and has current concerns about the safety, welfare or wellbeing of the child or young person should make a report to the Child Protection Helpline.

Where concerns of harm do not meet the significant harm threshold, the referring agency should offer and coordinate assistance or make a referral to other services, using normal referral networks.

To help reporters decide whether a case needs to be reported to the Child Protection Helpline, mandatory and non-mandatory reporters may access advice via the [NSW Mandatory Reporter Guide](http://www.law.nsw.gov.au/legislation/edact90.shtml).

22.3 **What are some of the provisions in the NSW Education Act 1990 (“the Act”)?**

- **Section 22A Obtaining information about children of compulsory school age**

  (1) Any relevant institution or other person may provide information to the Department solely for the purpose of assisting the Secretary to ascertain

  (a) the age, identity or whereabouts of a child who is not receiving compulsory schooling or who is not participating in education, training or paid work as an alternative to receiving compulsory schooling, and

  (b) the reasons why the child is not receiving that schooling or not so participating.

22.4 **Dealing with students for whom school based strategies have failed to restore regular school attendance**

22.4.1 Principals help to ensure the safety, welfare and wellbeing of students. Where schools have tried a range of strategies to address a student’s habitual non-attendance other options are available. Prior to 2010, the only legal option available to enforce school attendance was prosecution in the Local Court, resulting in the imposition of a fine and/or a community service order. Legislation that came into effect in early 2010 gives greater flexibility in proactively dealing with cases of habitual absence. It is hoped that the majority of non-attendance matters will be resolved through pre-court process such as those set out below. Please note, in reading the information below, one process does not necessarily follow another. Some actions may occur concurrently.

22.4.2 Compulsory schooling undertakings

The Principal may make schooling arrangements with one or more parents or carers of a child that includes a written ‘undertaking’ by the parent/s or carer/s with respect to compulsory schooling for the child (a "Compulsory Schooling Undertaking").

The arrangements may be made before, during or after a conference. A compulsory schooling...
Section D: Compulsory School Attendance

undertaking is admissible in evidence.

Undertakings deal with specific issues contributing to the habitual absence. Examples may include that

• the parent will turn off the child's computer game at a certain time each night
• an alarm clock will be used and the child will be out of bed at a set time
• the parent will attend drug and alcohol counselling sessions.

Signed undertakings should be kept by the school and a copy provided to the parent or carer.

22.4.3 Compulsory School Attendance Conference

A principal component of the new attendance procedures has been a greater emphasis on conferences involving families and Departmental student welfare officers. These conferences aim to address the underlying causes of poor school attendance. Conferences can take place at both the pre-legal stage, when convened by the Director-General, and at the initial stages of the legal process when ordered by the Children’s Court. Conferences are conducted by an authorised person appointed by the Director-General or the Children’s Court.

Conferences are convened with the family and school. They seek to identify the cause of non-attendance and develop strategies to improve attendance. Representatives of other relevant agencies or relevant community groups who can assist in improving attendance can also be invited to attend and assist.

Note: It is anticipated that a significant number of matters will have been subject to a Director-General’s conference prior to reaching the Court. However this will not always be the case.

In cases where parents have refused to attend a conference, it is anticipated that the Application to the Children’s Court will, in addition to seeking a Compulsory Schooling Order, also seek an order that the parent attend a conference.

Principals seeking to initiate a Compulsory School Attendance Conference should do so by contacting their Schools Consultant who will refer the matter to the appropriate authority.

22.4.4 Action in the Children’s Court

If other options have not been successful or are not appropriate, it may prove necessary to seek intervention of the court. In cases involving older children, aged twelve and above, where it is clearly established that the poor school attendance is not the fault of the parent, an application involving the child alone may be commenced. The proceedings in the Children’s Court are less formal than the prosecutions in the Local Court. This has allowed older children to attend the Court with their parents.

Applications to the Children’s Court will be conducted by a member of the regional welfare team who, for the purposes of the applying to the Children’s Court will be referred to as the “Attendance Officer”. All court appearances will be undertaken by a Legal officer or a local solicitor who has been engaged by the relevant legal officer.

Where the Principal deems it appropriate to refer a case to the Children’s Court for further action, they should first refer the matter to their Schools Consultant. If a decision is made to proceed with the referral, Form D1 in Appendix D should be used.

The court may order the parent to attend a conference and/or issue an interim Compulsory Schooling Order. An interim order requires the parent to ensure that the child is enrolled at and attending school.

Compulsory Schooling Orders can either be quite general in nature, for example an order that a parent engage with relevant Departmental staff, or that they attend a conference. Alternately orders can also be reasonably involved and comprise numerous components, such as an order to attend drug and alcohol counselling, and/or have a child medically assessed by a particular medical practitioner.

22.4.5 Prosecution in the Local Court

Where parents continue to fail to see that their children are enrolled and attending school, the
matter may be taken to a Local Court. Such measures are in place to ensure that all children of compulsory school age receive the education they deserve.

This action can only be taken by, or with the written consent of, the Director-General. The Department of Education and Communities Legal Services Directorate will act on behalf of both government and non-government schools.

An action for breach of a Compulsory Schooling Order issued in the Children’s Court must be undertaken in the Local Court, with penalties for these offences attracting a possible fine of 100 penalty units.

Note: In general, only matters which have either been the subject of an application to the Children’s Court, or where a conviction has previously taken place will be considered for prosecution. In exceptional circumstances consideration will be given to proceeding to a prosecution without first applying to the Children’s Court. Such matters should be discussed with the Senior Legal Officer managing the school attendance practice.

23. APPENDICES TO SECTION D

D1 Proposed School Action for the Management of Habitual Non-Attendance
D2 Referral Form to Legal Services for Consideration of Further Action
D3 Non-Government Schools Actions; Enrolment Status of Students un-known
D4 Compulsory School Attendance Information for Government and Non-Government Agencies
D5 Compulsory School Attendance Information for parents
Proposed School Action for the Management of Habitual Non Attendance

Step 1: 5 -10 days unexplained/unjustified absence (not necessarily consecutive)
   i) Phone call to parents and notify School Counsellor
   ii) Follow-up with letter/email to parents requesting meeting with parents to discuss

Step 2: 11-20 days unexplained/unjustified absence (not necessarily consecutive)
   i) Phone call to parents on each subsequent day of unexplained/unjustified non-attendance after 1st 10 days
   ii) Registered letter to parents re attendance requesting meeting between school and parents to discuss

   Note: Refer to section 4.13 of the Guidelines

Step 3: 21-30 days unexplained/unjustified absence (not necessarily consecutive)
   i) Daily phone call/sms text message to parents on each day of unexplained/unjustified non-attendance
   ii) Registered letter to parents re attendance
   iii) Consult with School Counsellor
   iv) Inform the Schools’ Consultant

Step 4: Above 30 days unexplained/unjustified absence within last 100 days
   i) Registered letter to parents
   ii) Daily phone call/sms text message to parents on each day unexplained/unjustified non-attendance
   iii) Consult with CSO Child Protection Officer on whether it is appropriate to report to Community Services (CS) If so, Principal or Counsellor makes report to CS and informs the Schools Consultant.
   iv) Referral by Schools Consultant to Risk Manager for possible further action.

Step 5: Above 30 days unexplained/unjustified absence and no improvement from
   i) Risk Manager and Principal make schooling arrangements with parents/carers that include a written undertaking with respect to compulsory schooling (a Compulsory Schooling Undertaking).
Referral Form to Legal Services for Consideration of Further Action
Failure to enrol a child at school / Failure to ensure regular attendance at school
Referral for consideration of further action under Section 23 of the [NSW Education Act 1990](http://srd.dbbsco.org/attendance-faqs.html (password=srd)).

Please select most appropriate:

- [ ] Matter involves failure to enrol a child at school
- [ ] Matter involves failure to ensure regular attendance at school

<table>
<thead>
<tr>
<th>Referring school</th>
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<tr>
<th>School address</th>
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<tr>
<th>Parent/Carer’s details:</th>
<th>Details of both parent <strong>must</strong> be included if known, even if a second parent is non-residential</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Parent/Carer 1</th>
<th>Surname:</th>
<th>Given Name(s):</th>
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<tbody>
<tr>
<td>Carer’s relationship to child:</td>
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<tr>
<th>Full residential address</th>
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<tr>
<td>Post Code:</td>
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<tr>
<th>Phone Numbers</th>
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<th>(W):</th>
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<tr>
<th>Full alternate address (e.g., place of work)</th>
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<td>Post Code:</td>
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<tr>
<th>Is there any relevant court order?</th>
<th>Yes [ ]</th>
<th>No [ ]</th>
<th>Unsure [ ]</th>
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<tr>
<td><em>(provide details)</em></td>
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<th>Parent/Carer 2</th>
<th>Surname:</th>
<th>Given Name(s):</th>
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<tr>
<td>Carer’s relationship to child:</td>
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<th>Full residential address</th>
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<td>Post Code:</td>
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<th>Full alternate address (e.g., place of work)</th>
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<td>Post Code:</td>
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<p>| Phone Numbers | (H): | (W): |</p>
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<thead>
<tr>
<th>Known siblings of compulsory school age</th>
<th>Name:</th>
<th>School:</th>
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<tr>
<td></td>
<td>Name:</td>
<td>School:</td>
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<td></td>
<td>Name:</td>
<td>School:</td>
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<tr>
<th>Other government agencies involved with the family (if known)</th>
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<table>
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<tr>
<th>If a report has been made to Community Services about this child or young person, please provide relevant date/ reference numbers and outcome (if known).</th>
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<tbody>
<tr>
<td>Date ...........................................................................................................................................................................</td>
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<tr>
<td>Reference Number: ..................................................................................................................................................</td>
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<tr>
<th>Have there been meetings (including a Director-General’s Compulsory Attendance Conference) where undertakings have been agreed to?</th>
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<tr>
<td>Yes ☐  No ☐  (provide details)</td>
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**Child’s Details**

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<tr>
<th>Please complete a separate page for each child</th>
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**Surname:**

**Given name(s):**

**Known as:**

**Date of Birth:**

**Age in years and months**

(approximate if not known):

\[ \begin{array}{l}
\text{…………………Y} \\
\text{…………………M}
\end{array} \]

**Gender:**

| Male ☐ | Female ☐ |

**Grade:**

\[ \text{……………………………} \]

**Background:**

| Aboriginal/Torres Strait Islander ☐ |
| Language Background Other than English ☐ |
| Other ☐ |

**Full residential address:**

\[ \text{------------------------------------------} \]

**Post Code:**

**School:**

**Date enrolled:**

Please complete details in the table below and attach an electronic printout or a photocopy of school/class roll, for the previous two term period.

**Absences in 6 months prior to referral for further action:**

<table>
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<tr>
<th>Term</th>
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<td>Whole</td>
<td>Partial</td>
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<th>S</th>
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<tr>
<td>A</td>
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</table>

**Total whole day absences:**

**Total part day absences:**

**Number of days school open for instruction:**
Refer to Frequently Asked Questions SRD website http://srd.dbbcso.org/attendance-faqs.html (password=srd)

Comment

Checklist of Required Actions and Documentation (Please use the checklist on the last page of this form (D2) to ensure the relevant documentation has been attached).

**Contact Details** (intermediary between school and referral to Legal Services)

**Contact Details**

Please ensure this page is complete so that senior officers of the Department can make immediate contact with relevant school persons should court attendance be required. This referral must be signed by <insert intermediary between school and referral to Legal Services>.

---

**Signature**

**Date**

<table>
<thead>
<tr>
<th>School representative nominee 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name <em>(please print):</em></td>
</tr>
<tr>
<td>Telephone</td>
</tr>
<tr>
<td>Email:</td>
</tr>
<tr>
<td>Signature:</td>
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</table>

<table>
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<tr>
<th>School representative nominee 2</th>
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<tbody>
<tr>
<td>Name <em>(please print):</em></td>
</tr>
<tr>
<td>Telephone</td>
</tr>
<tr>
<td>Email:</td>
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<tr>
<td>Signature:</td>
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</tbody>
</table>

Please forward this referral to:
The Chief Legal Officer
Department of Education and Communities Legal Services
Level 5, 35 Bridge St
Sydney NSW 2000
Checklist of Required Actions and Documentation

**Actions (Please select most relevant)**

<table>
<thead>
<tr>
<th>Actions</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>You have exercised your power under delegation to produce and agreed undertaking with parent/s</td>
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</tr>
<tr>
<td>If an undertaking was produced and agree, parents are in breach of the undertaking.</td>
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**Documentation**

<table>
<thead>
<tr>
<th>Documentation</th>
<th>Checked and included (please tick)</th>
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</thead>
<tbody>
<tr>
<td>1. Complete <strong>Referral form</strong>, for consideration of further action for failure to enrol a child at school / failure to ensure regular attendance at school, signed by two school representatives</td>
<td>□</td>
</tr>
<tr>
<td>2. A one page summary of the case highlighting any major issues and concerns</td>
<td>□</td>
</tr>
<tr>
<td>3. An objective brief chronological summary of events</td>
<td>□</td>
</tr>
<tr>
<td>4. A photocopy of any communications the region and school have had with the parents regarding the child(ren)’s enrolment/attendance</td>
<td>□</td>
</tr>
<tr>
<td>5. A recent copy of the attendance register noting the child(ren)’s attendance (within the last three months)</td>
<td>□</td>
</tr>
</tbody>
</table>

Please forward this referral to:
The Chief Legal Officer
Department of Education and Communities Legal Services
Level 5, 35 Bridge St
Sydney NSW 2000
Non-Government Schools Actions

Enrolment Status of Student Unknown

This should be read in conjunction with Sections A and D of these Guidelines and the attendance sections of the Board of Studies’ Registered and Accredited Individual Non-government Schools (NSW) Manual and Registration Systems and Member Non-government Schools (NSW) Manual.

1. If the forwarding of school information has been provided for the student/s, the non-government school should contact the school for confirmation of enrolment.

2. If the forwarding of school information has not been provided for the student/s, the non-government school should:
   • contact the parent by phone, letter and/or email
   • contact those named as emergency contacts for the student
   • speak to the student’s peers
   • contact other organizations who may have been working with the family
   • contact the NSW Board of Studies to ascertain whether an application has been made for home schooling
   • meet child protection mandatory reporting requirements by reporting the matter to the Child Protection Helpline on 133 627.

3. If unable to locate the student/s after the above investigations, the non-government school should advise the Department of Education and Communities (DEC) Regional Manager of the Home School Liaison Program in writing. Information that needs to be provided includes:
   • student/s name/s
   • student/s date of birth
   • student/s school year
   • name of student/s parents
   • residential address
   • parent’s contact details
   • last date of school attendance
   • previous schools attended by the student/s, if known
   • any relevant information provided by the parent.

Home School Liaison Offices serving Broken Bay can be contacted on
   • 02 4348 9180 for schools on the Central Coast, Hornsby, Kurring-gai and Waringah areas
   • 02 9203 9900 for all other schools
Compulsory School Attendance

Information for other Government and Non-Government Agencies

We know that students who attend school are more likely to be successful at school and have better career and life choices than students who are poor attenders.

Who is responsible for student attendance?

Parents or carers are responsible for making sure that their children, of compulsory school-age, are enrolled and attending a school, or are registered with the Board of Studies for home schooling. Schools support parents by monitoring student attendance and helping address problems when they emerge.

Some important Legislative changes

Recent changes to the NSW Education Act 1990 provided additional options for dealing with the chronic non-attendance of students of compulsory school age. Until the beginning of 2010, the only legal option available was for the courts to fine parents. Now, additional options aim to identify the barriers to a student’s attendance and resolve the issues. Other agencies, organisations and/or community groups can assist. This brochure outlines some of the ways in which they may be able to assist.

Sharing information

Changes have also been made to the law to allow for the exchange of information between government agencies and non-government organisation (NGOs) involved in the safety, welfare or wellbeing of children and young people. The new provisions are contained in Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998.

Compulsory attendance conferences

What is compulsory conferencing all about?

The Children’s Court or the Director-General of Education and Communities can direct that a conference takes place where a child of compulsory school age is not attending school.

Conferences involve parents, sometimes students and other people who are likely to be able to help resolve attendance issues. The purpose of a conference is to reach an agreement so that the child will receive compulsory schooling. A conference also presents an opportunity to reach an agreement about what other professionals or individuals involved with the student might do to support the child’s attendance at school.

Who can conduct a compulsory conference?

‘Authorised persons’ who have been trained can conduct a conference directed by the Children’s Court or the Director-General of Education and Communities.

Who can attend a compulsory conference?

Authorised conference convenors negotiate who will attend the conference by consulting with education officers to get a better understanding of the issues that may be contributing to the student not going to school and the types of supports that might resolve the issue. Examples might include drug and alcohol issues, mental health issues, parenting skills, access to transport, accommodation and respite care and support for other family members.

Education officers make arrangements for the conference to occur, including contacting any other persons, that
the convenor identifies may be able to assist in helping to resolve the attendance issues. The decision on who is invited to attend depends on the known circumstances of the case and is based on prior discussion between the parties to determine the relevant issues. People invited to attend may include government agencies and non-government service providers such as those in the charitable sector, and community representatives such as Aboriginal elders.

The Wood Special Commission of Inquiry into Child Protection Services in NSW (2008) showed that vulnerable children may need assistance from multiple sources. The support of other agencies and providers is vital in addressing student non-attendance issues.

**Who is responsible for Department of Education and Communities liaison with other agencies?**

Liaison between the Department and other agencies will be via the authorised conference convenor after investigation of the needs of the child and family prior to holding the conference. This may include liaison with a range of departmental officers.

Conference convenors may also approach relevant government and non-government agencies according to the identified needs in order to seek support for resolving underlying issues related to the non-attendance.

**What might be some of the outcomes of a conference?**

Conferences should identify the issues preventing the child from attending school regularly and provide a plan of support for the child, parent and/or school to help reduce the impact these issues are having. This includes identifying and resolving any issues in dispute (whether between the child, the parents and the school, or with other relevant agents) and identifying any services that may support compulsory schooling.

The aim of a conference is to reach an agreement under which the child will regularly attend school. The outcome could be that the school or parent has to provide breakfast, a school uniform or transport to school. Support may also be directed to the parent for participation or support in programs and services run by other agencies or organisations. Examples might be parenting skills programs or the provision of a disability respite service.

**Further information regarding school attendance can be obtained from**

Compulsory School Attendance

Information for Parents

All children from six years of age and under the minimum school leaving age of 17 years are legally required to attend school.

All New South Wales students must complete Year 10. After Year 10 and until they turn 17 years of age students must be in a school or registered for home schooling, or full-time in

- further education and training (e.g. TAFE, traineeship, apprenticeship);
- full-time, paid employment of an average 25 hours per week; or
- a combination of both of the above.

Did you know that if a student misses as little as eight days in a school term, by the end of primary school they will have missed over a year of education?

Must I send my child every day? YES.

Children are expected to attend all school activities, on time. Regular attendance

- helps your child develop the skills needed to access the world of work and other opportunities
- helps your child to learn the importance of punctuality and routine
- ensures your child can make and keep friendships.

What if my child has to stay away from school?

If your child has to be absent from school, you must tell the school and provide a reason for your child’s absence. To explain an absence parents and carers may

- send a note, fax or email to the school, or
- telephone the school, or
- visit the school.

A small number of absences may be accepted by the principal. For example, if your child has to

- go to a special religious ceremony
- is required to attend to a serious and/or urgent family situation (e.g. a funeral)
- is too sick to go to school or has an infectious illness.

What are school Principals responsible for?

Principals help to ensure the safety, welfare and wellbeing of your child. Principals have to keep accurate records of student attendance and the reasons for any absences.

Principals are responsible for accepting or not accepting a parent’s explanations for their child’s absences. Principals can request medical certificates or other documentation for long or frequent absences even where they are explained by parents as being due to illness.

When absences are unexplained by parents, or the explanations are not accepted by the principal, schools work
together with parents to help address the issue. The main aim is to sort out what is preventing the child from getting to school and putting strategies in place to help.

Sometimes, the school will ask regional support staff and other agencies to assist.

**What might happen if my child continues to have unacceptable absences?**

It is important to understand that the Catholic Schools Office may take further action where children of compulsory school age have recurring numbers of unexplained or unacceptable absences from school. Some of the following actions may be undertaken.

- **Attendance meetings and compulsory attendance conferences**
  
  Parents (and sometimes their child) can be asked to go to a meeting with school personnel and other diocesan staff. The aim of the meeting is to help identify strategies to support the child and family. Other agencies may also be asked along to help.

  If the school and other diocesan staff have tried to help improve a child’s attendance, without success, parents (and sometimes their child) can be asked to go to a compulsory attendance conference. The conference will be run by a trained conference convenor. The aim of the conference is for the school, parents (and sometimes their child) and other identified agencies (“the parties”) to further identify the issues which are impacting on a child’s attendance.

  The outcome of a compulsory attendance conference is for the parties to agree to certain actions to improve the child’s attendance. These actions are written in the form of undertakings.

- **Applications to the Children’s Court – A Compulsory Schooling Order**
  
  Legal compliance can be sought through an application to the Children’s Court for a Compulsory Schooling Order. The aim is to assist a family and/or child to address the issues which are preventing satisfactory school attendance but has the added force of a Court’s powers.

- **Prosecution in the Local Court**
  
  If all attempts by schools and regional support staff fail to improve a student’s attendance, action can be taken in the Local Court and the result can be fines up to a maximum of $11,000.

**For further information**


**Do you need an interpreter?**

Interpreting services are provided, where possible, for parents/carers who do not speak or understand English well and for Deaf parents/carers who use sign language. The Telephone Interpreter Service is available 24 hours a day, seven days a week at the telephone number: 131 450. You will not be charged for this service.

Compulsory School Attendance
Information for Principals

The aim of this brochure is to provide an overview of amendments to the Education Act 1990 which came into effect in 2010 and outline the intersection with Keep Them Safe.

In New South Wales, ‘compulsory school-age’ means that all children from six years of age are legally required to be enrolled at and attending school or to be registered for home schooling. After they complete Year 10, and until they turn 17 years of age, students then have the following options. They may also be in:

- full-time further education and training (e.g. TAFE, traineeship, apprenticeship);
- full-time, paid employment of an average of 25 hours per week; or
- a combination of both of the above.

Parents or carers are responsible for making sure that their children comply with these legal requirements. Schools support parents by monitoring student attendance and helping to address attendance issues when they emerge. Where schools have unsuccessfully tried a range of strategies to help resolve a student’s non-attendance, schools can request assistance from regional attendance officers of the Department of Education and Communities for additional support.

Keep Them Safe: A shared approach to child wellbeing

The Protecting and Supporting Children and Young People Policy (2010) sets out the roles and responsibilities of all staff in relation to child protection including training, reporting risk of harm, and supporting children and young people. If the principal or workplace manager suspects a child or young person is at risk of significant harm they must report to the Community Services Child Protection Helpline (telephone 13 3627).

Where a principal or workplace manager suspects a child or young person is at risk of harm which does not meet the threshold of significant harm but is not trivial they must contact the Child Wellbeing Unit (telephone 02 9269 9400 at local call charges).

Where there are concerns that a child or young person is habitually absent, in addition to following the department’s policies and procedures for school attendance, all staff should consider whether the habitual absence places the child or young person at suspected risk of harm and where there are concerns that it does, convey these concerns to their principal or workplace manager.

The Mandatory Reporter Guide has been developed to assist staff in making decisions about the nature and seriousness of child protection concerns and what action should be taken in response to these concerns. This guide can be accessed at http://www.keepthemsafe.nsw.gov.au.

What are some of the provisions in the Education Act 1990 (“the Act”)?

Section 22A Obtaining information about children of compulsory school-age

(1) Any relevant institution or other person may provide information to the Department of Education and Communities solely for the purpose of assisting the Director-General to ascertain:

(a) the age, identity or whereabouts of a child who is not receiving compulsory schooling or who is not participating in education, training or paid work as an alternative to receiving compulsory schooling, and
(b) the reasons why the child is not receiving that schooling or not so participating.
Where school based strategies have failed to restore regular school attendance

Principals help to ensure the safety, welfare and wellbeing of students. Where schools have tried a range of strategies to address a student’s habitual absence other options are available such as requesting support from the Home School Liaison Program. Prior to 2010, the only legal option available to enforce school attendance was prosecution in the Local Court, resulting in the imposition of a fine and/or a community service order. There is now greater flexibility in proactively dealing with cases of habitual absence. It is hoped that the majority of non-attendance matters will be resolved through the pre-court process such as those set out below. Please note, in reading the information below, one process does not necessarily follow another. Some actions may occur concurrently.

- **Compulsory schooling undertakings**

  The Principal may make schooling arrangements with one or more parents or carers of a child that includes a written ‘undertaking’ by the parent/s or carer/s with respect to compulsory schooling for the child (a “compulsory schooling undertaking”). The arrangements may be made before, during or after a conference. A compulsory schooling undertaking is admissible in evidence. Undertakings deal with specific issues contributing to the habitual absence. Examples may include that:
  
  o transport will be provided to get the child to school
  o an alarm clock will be used and the child will be out of bed at a set time
  o the parent will attend drug and alcohol counselling sessions.

  Signed undertakings should be kept by the school and a copy provided to the parent or carer.

  Where schools have requested support and a case has been accepted onto the caseload of a home school liaison officer and/or an Aboriginal student liaison officer, the following actions are coordinated at a regional level via the Home School Liaison Program.

- **Compulsory school attendance conference**

  The Children’s Court or the Director-General of the Department of Education and Communities can direct that a conference takes place, convened by a trained conference convenor, where a child of compulsory school age is not attending school. The aim of a conference is to reach an agreement under which the child will regularly attend school. Conferences involve the school, parents, sometimes students and other people who are likely to be able to help resolve attendance issues, including representatives from other agencies and organisations. The conferencing process also presents an opportunity for other professionals or individuals to identify and provide support for a student and their family to help restore a child’s school attendance.

  *It is important that schools continue to support students and their families during these processes. The school principal or deputy principal should attend the conferences*

- **Action in the Children’s Court**

  If other options have not been successful or are not appropriate, it may be necessary to seek intervention of the court. In cases involving older children (aged twelve and above) if it is clearly established that the poor school attendance is not the fault of the parent, an application involving the child, alone, may be commenced. The proceedings in the Children’s Court are less formal than prosecutions in the Local Court. This has allowed older children to attend the Court with their parents.

  Applications to the Children’s Court for a Compulsory Schooling Order will be made by a member of the regional attendance team who, for the purposes of the applying to the Children’s Court will be referred to as the “attendance officer”. All court appearances will be undertaken by a legal officer, or a local solicitor engaged by the legal officer.

  The court may order the parent to attend a conference and/or issue an interim ‘Compulsory Schooling Order’. An interim order requires the parent to ensure that the child is enrolled at and attending school. Compulsory Schooling Orders can either be quite general in nature, for example, an order that a parent engage with relevant Departmental staff, or that they attend a conference. Alternately, orders can also be reasonably involved and comprise numerous components, such as an order to attend drug and alcohol counselling, and/or have a child medically assessed by a particular medical practitioner.
Note: It is anticipated that a significant number of matters will have been subject to a Director-General’s conference prior to reaching the Court. However this will not always be the case. In cases where parents have refused to attend a conference, it is anticipated that the Application to the Children’s Court will, in addition to seeking a Compulsory Schooling Order, also seek an order that the parent attend a conference.

- Prosecution in the Local Court

Where parents continue to fail to see that their children are enrolled at and attending school, the matter may be taken to a Local Court. Such measures are in place to ensure that all children of compulsory school age receive the education they deserve. This action can only be taken by, or with the written consent of, the Director-General of the Department of Education and Communities. Legal Services Directorate acts on behalf of government schools.

An action for breach of a Compulsory Schooling Order issued in the Children’s Court must be undertaken in the Local Court. Penalties for these offences carry a maximum fine of $11,000.

Further information regarding school attendance can be obtained from the CSO and the following websites