

# Report to the NLA Education Act Prosecutions Working Group 2015

## Government initiatives to address school attendance

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This paper sets out the range of Commonwealth and state government initiatives to address school attendance. A diagram summarising these initiatives is set out at Appendix A.

### 1. Council of Australian Governments (COAG)

All state, Territory and Commonwealth governments, through COAG, have agreed to work together to improve Indigenous school attendance rates across the country, committing to a closing the gap target to reach 90% attendance by 2018.

### 2. Commonwealth initiatives

#### 2.1 Remote School Attendance Strategy (RSAS)

The RSAS works with local service providers to employ school attendance supervisors and school attendance officers to help get children to school. The initiative commenced in Term 1, 2014 and is being implemented in partnership with communities and schools across NSW, South Australia, Western Australia, Queensland and the Northern Territory.

The school attendance supervisors and officers are local people from the community. The school attendance team works with parents, teachers and the community to develop a community plan to identify ways to ensure children go to school. Supervisors and officers are referred to as 'Yellow shirts' because of the coloured shirts worn to identify themselves. The school attendance team help with things like:

- talking to children and families about the importance of regular school attendance
- working with families where children are not attending school to find out why and what can be done to help them get there
- providing practical support like driving children to school or helping to organise school lunches, uniforms, homework and after-school care
- working with the school to monitor attendance and follow up on student absences
- celebrating and rewarding improved attendance.

All school attendance team members are required to obtain working-with-children checks and participate in work-related learning activities.

Initially the Commonwealth committed \$28.4 million to the program. This amount was subsequently increased by \$18.1 million for the second phase of the project. Total government funding for the strategy stands at \$46.5 million.

The RSAS is being rolled out to 73 school sand 69 communities across Australia. To date, over 520 people from Aboriginal and Torres Strait Islander (ATSI) communities have been employed under the RSAS. Approximately 13,500 ATSI students are supported through the RSAS<sup>1</sup>.

In NSW, the RSAS operates in Boggibilla, Walgett and Wilcannia with a planned roll out to Moree. There are a total of 5 school attendance supervisors and 21 School Attendance officers employed.

Further information available at: <http://www.indigenous.gov.au/children-and-schooling>

<http://www.dpmc.gov.au/indigenous-affairs/about/children-and-schooling-programme/remote-school-attendance-strategy>

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<sup>1</sup> Figures taken from NESAS RSAS website: [www.nesa-rsas.com.au](http://www.nesa-rsas.com.au)

## 2.2 Remote Schools Attendance Strategy Training Project

The National Employment Services Association (NESA) is the peak body for all Australian employment services. NESA has been engaged to deliver the RSAS Workforce Training Strategy Project. The project is designed to support RSAS school attendance teams through the provision of formal training.

The project involves completion of a national skill profile and job profile of all RSAS staff which will inform the development of a national RSAS Workforce Training Strategy. At the completion of the skill and job profile phase, NESA will work with each of the RSAS locations to develop a tailored training program that will be delivered face to face through local training forums.

## 2.3 School Enrolment and Attendance Measure (SEAM)

SEAM operates in the Northern Territory. The program involves suspension (as a last resort) of welfare payments to parents if their children are not enrolled and attending school.

Initially, enrolment and attendance issues are identified and then measures put in place, such as Department of Human Services (Centrelink) social work support, holding conferences with parents to discuss attendance issues and developing attendance plans that outline steps parents can take to assist in improving their child's school attendance – such as walking their child to school every day.

If parents do not comply and enroll their children in school and ensure that their children are attending school regularly, and no special circumstances apply, a parent's income support payments may be suspended. However payments such as the Family Tax Benefit, Child Care Benefit, Carer's Allowance and Mobility Allowance are not affected.

Payments are restored with full back pay when the parent takes action to ensure that their child is enrolled in and attending school within 13 weeks after the initial suspension, otherwise the payment may be cancelled.

<http://www.dpmc.gov.au/school-enrolment-and-attendance-measure-seam>

<http://www.dpmc.gov.au/indigenous-affairs/about/children-and-schooling-programme/faq-improving-school-enrolment-and-attendance-through-welfare-reform-measure-seam>

## 3. NSW Government initiatives

The policies and procedures for addressing school attendance in NSW are set out in:

- *Guidelines for Supporting Student Attendance* - this document outlines the responsibilities for the management of student attendance at a school, region and state office level.
- *School Attendance Policy (2010)*
- *Student Attendance in Government Schools – Procedures (2010)*

### 3.1 School based strategies to address non attendance

A school may use a range of strategies to address non-attendance including: follow up of absences, a phone intervention program, communication with parents to seek explanation for unexplained absences, student welfare support and referral to the school counsellor.

A list of strategies outlined in the *Guidelines for Supporting Student Attendance* that may be employed by the school is attached at Appendix A.

Where the school has used a range of these strategies and is still unable to resolve non-attendance issues, a principal can make a referral to the regional Home School Liaison Program.

### 3.2 Home School Liaison Program

The Home School Liaison Program provides services to students, parents and schools to encourage attendance of students at school.

There are currently 110 Home School Liaison Officers and 26 Aboriginal Student Liaison Officers working across NSW in regional student services teams. Home School Liaison Officers and Aboriginal Student Liaison Officers are allocated to regions on an as needs basis.

The role of the Home School Liaison Officers is to:

- monitor attendance registers, suggest areas for development and identify emerging issues
- advise principals on the development of School Attendance Action Plans and the implementation of strategies to improve student attendance
- undertake casework – with a maximum caseload of 30 students
- collaborate in the development of student attendance improvement plans. These plans are developed with the school student and parents
- participate in non-attendance interview programs
- assist schools in the implementation of the Department’s attendance strategies
- participate in anti-truancy operations with the New South Wales Police Force.

Aboriginal Student Liaison Officers:

- provide assistance to schools, Aboriginal students and their families and communities in improving school attendance within regions or nominated areas
- assist home school liaison officers in the resolution of attendance issues involving Aboriginal students
- assist student services personnel in monitoring the attendance of Aboriginal students
- provide advice and professional learning to regional personnel on matters pertaining to the school attendance of Aboriginal students
- liaise with other government departments and Aboriginal community groups to develop locally identified solutions to the poor attendance of Aboriginal students
- liaise with school based personnel to assist in the identification and resolution of school based factors contributing to the non-attendance of Aboriginal students
- undertake a caseload of up to 15 Aboriginal students with attendance problems, if appropriate or necessary
- support the implementation of the Aboriginal Education Policy.

### **3.3 Operation Roll Call and joint truancy operations**

Operation Roll Call is a state wide initiative, which requires government secondary schools to issue leave passes when students are absent from school between 9am and 3pm. Students found outside school premises without passes or identification will be accompanied back to school or their home by police officers, or directed to return to school.

Home school liaison officers, Aboriginal student liaison officers and police officers conduct regular joint anti-truancy operations in areas such as shopping malls, parks, railway stations, internet cafes and amusement arcades. Students of compulsory school age detected during these operations without a leave pass are directed to return to school and their names provided to schools for follow-up action.

The Guidelines provide that not all education areas will require the same intensity of operations. Areas with a large enrolment or where attendance is an issue will require more frequent joint anti-truancy operations than those with a smaller number of students or where attendance is not an

issue. However, at least one joint anti-truancy operation should be conducted in each Police Local Area Command each school term.

Street sweeps are similar to joint anti-truancy operations but are usually conducted by home school liaison officers, Aboriginal student liaison officers and student welfare consultants unaccompanied by police. Street sweeps are planned and targeted to known truancy hot spots such as shopping malls, internet cafes, parks, beaches and railway stations.

#### **4. Legal Action to enforce compulsory schooling**

The *Education Act* provides that arrangements may be made with parents or carers of a child that includes a written undertaking by the parent or carer in relation to compulsory schooling. The undertaking can deal with specific issues – for example, the parent will attend drug and alcohol rehabilitation.

When an attendance improvement plan or compulsory schooling undertaking does not result in improved attendance and / or the parents do not meaningfully engage in the plan, the matter is referred for legal action.

##### **4.1 Compulsory schooling conferences**

Section 22C of the *Education Act* provides that if a child is not receiving compulsory schooling, the Children's Court or the Director-General of the NSW Education Department may direct the relevant parties to participate in a conference. The principal purpose of the conference is to reach an agreement about strategies to improve school attendance.

During the conference, the parties may seek to identify and resolve issues in dispute, identify any services to assist the child to attend school, and formulate undertakings and orders for consideration by the Children's Court with respect to schooling for the child.

The conference is held outside the court environment by conference convenors. The Department has trained mediators from the Community Justice Centres to mediate these conferences.

Legal officers from the Department do not attend the conferences. However, there may be representatives from the Department and from other government agencies (e.g. NSW Health and Housing NSW). There is also provision for individual members of the community who may be able to assist in improving attendance to attend the conference (for example, Aboriginal Elders).

Any evidence of anything said or any admission made in the conference is not admissible in evidence in any proceedings before any court or other body, except in care proceedings.

##### **4.2 Compulsory Schooling Orders**

S 22D of the *Education Act* enables the Children's Court, on application of the Director General, to make a compulsory school order in relation to a child of compulsory schooling age who is not attending school. The orders can be general in nature or quite specific. For example, the order can require a parent to engage with relevant Departmental staff or attend a compulsory schooling conference. The orders can also be quite involved and comprise of a number of elements such as an order to attend drug and alcohol counselling or have a child medically assessed.

The court may order the parent to attend a conference and /or issue an interim Compulsory Schooling Order requiring the parent to ensure the child is enrolled and attending school. A decision by the Children's Court to impose an order may be appealed to the District Court.

An order may be directed at a child, if the child is over 12 years of age and lives independently of his or her parents or the parent /s are unable to ensure that child attends school due to the child's disobedience.

The Department has advised that it has sought that all compulsory schooling orders be made until the child is 17 years of age, regardless of the age of the child at the time the order is made.

If parents do not appear in court at the hearings in relation to compulsory schooling orders, the magistrate can issue a bench warrant for their arrest in order to bring them before the court.

#### **4.3 Criminal prosecution in the Local Court**

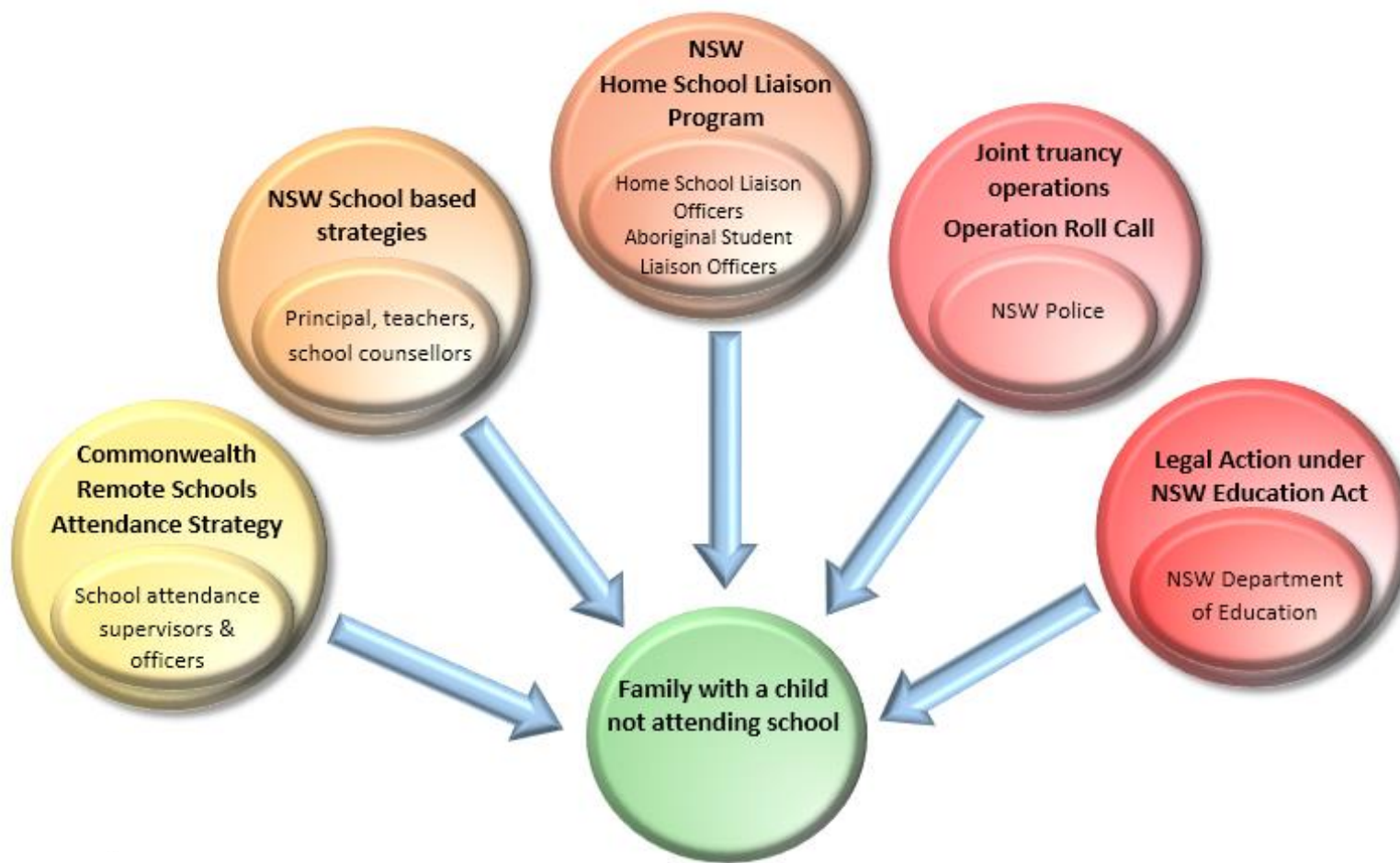
It is a criminal offence for a parent of a child of compulsory school age to fail to cause a child to be enrolled at or attend school. Prosecutions of this offence are commenced by the Department in the Local Court. Action to prosecute can only be taken by or with written consent of the Director General.

The penalty in the case of a first offence is \$2,750 (25 penalty units) and \$5,500 (50 penalty units) for a second or subsequent offence. If a compulsory schooling order is made, the maximum penalty for the offence applies. Currently, this is a fine of \$11,000 (100 penalty units).

If a child who is 15 years of age or older fails to comply with an order, the child is liable to a maximum penalty of 1 penalty unit (\$110) but no conviction will be recorded.

The *Education Act* retains the option for the court to make a community service order instead of imposing a fine (s 23(5)).

### Commonwealth and state government initiatives to address school attendance



## Appendix B

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### Strategies to address non-attendance at school

- Plan in learning support team meetings (Note: Learning support team reports should be provided with applications to the Home School Liaison Program)
- School sends letters to family
- Discuss at student welfare meeting
- Interview parent / care provider
- Student Interview
- Establish positive attendance program
- Develop an individual education program
- Establish an alternative school program
- Place student on attendance monitoring
- Place student on attendance contract
- Address bullying/harassment problems
- Interagency liaison: Police, Health, ADHC, Housing & Community Services
- Address any social issues
- Establish additional support for Aboriginal student via relevant Indigenous community group
- Modify school curricular
- Travel training
- Set up a buddy / teacher mentor program
- Enlist help of peer / siblings
- Gain permission to contact medical practitioner to discuss any current medical condition(s)
- Student shadows teacher for a period of time
- Give responsibility and/or leadership opportunity to student
- Focus on student needs e.g. breakfast, clothing, hygiene, medical care, emotional support (grief and loss, resilience building)
- Class writes to student inviting him/her back
- Alternative program to avoid off task behaviours, teach alternate behaviours
- Investigate work experience opportunities
- Community Service Support (Smith Family, Horizons, CentaCare, Barnados)
- Daily wake up / check-up calls for 5 days
- Referral to school counsellor
- Community justice mediator