

Enforcement of compulsory school attendance 2017

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

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

School Support

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

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

- prompt follow up of any absences
- implementing programs and practices to address attendance issues, including:
- the phone intervention program where phone contact is made on a particular day with parents of all students who are absent
- communicating with parents and seeking an explanation for any unexplained absences
- putting in place student welfare support within the school, including referral to the school counsellor if appropriate
- liaising with other government and non-government agencies.

Home School Liaison Program

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

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

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

Legal Measures

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

Enforcing compulsory attendance

Legal action to enforce school attendance can take place in either the Local Court or the Children's Court. Legal action in the Children's Court is non-punitive and is intended to

assist families address the issues that re preventing satisfactory school attendance.

Legal action in the Local Court is conducted as a criminal prosecution with a possible fine being imposed by the Court when a parent fails to ensure a child attends school satisfactorily. The department prosecutes parents in the Local Court as a last resort when all reasonable attempts have been made to restore satisfactory school attendance by other means.

Children's Court Matters

Outcome	Matters
Final Compulsory Schooling Order	89
Withdrawn or dismissed	140
Ongoing	109
Total	338

Local Court Matters

Outcome	Matters
Fined	35
S10 Good behaviour bond	10
Withdrawn or dismissed	41
Ongoing	7
Total	93

All Court Matters

Outcome	Matters
Final Compulsory Schooling Order	89
Fined	35
S10 Good behaviour bond	10
Withdrawn or dismissed	181
Ongoing	116
Total	431

Explanatory notes

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

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

Quality of Information

The 2017 figures were prepared from administrative systems that were developed to internally track the progress of cases rather than to report externally.

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

The data is correct to the best of the department's knowledge and understanding.