

GUIDELINES

ATTENDANCE- COMPLIANCE

Responsibility of: **School Support Services**
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This document should be read in conjunction with the following documents:

- Attendance and Participation policy
- Attendance – Exemptions from Attendance and Participation guidelines
- Attendance – Recording and Reporting guidelines
- Attendance – Lesson Attendance Codes and Descriptions

1. INTRODUCTION

These guidelines outline how **Senior Attendance and Truancy Officers (SATOs)**, as authorised persons under the Northern Territory [Education Act](#) (the Act), will work with schools, families and communities to manage student absences and enforce parental responsibilities in accordance with the Act.

A parent of a child of **compulsory school age** has a legal obligation to ensure their child is enrolled and attends school each school day, or each part of a school day where instruction is provided, unless the parent has a reasonable excuse. Where a child has entered the **compulsory participation phase** (that is, has completed Year 10 and is not 17 years of age), a parent must ensure their child is participating in an eligible option.

SATOs are to work with schools and their communities to ensure parents comply with their obligations, and are to enforce measures in cases of ongoing absenteeism.

The Australian Government is committed to addressing attendance rates in the Northern Territory and has implemented [School Enrolment and Attendance Measure \(SEAM\)](#) as an alternative scheme in identified remote communities under the [.Social Security \(Administration\) Act 1999](#)

For the purpose of this document, a **student living independently** has the same legal obligations as a parent in respect to enrolment, attendance and participation.

2. DEFINITIONS

Attendance plan is a signed agreement developed by SATOs in collaboration with the parent, student and, where possible, principal or senior school staff member, to address barriers or issues affecting the child's attendance.

Authorised persons are police officers and all staff employed in the Enrolment and Attendance unit, Regional Attendance and Truancy Managers, and Senior Attendance and Truancy Officers (SATOs) who are granted legal powers and functions under the Act when they are appointed by the Chief Executive Northern Territory Department of Education. In addition, some authorised persons exercise delegated legislative powers and functions by the Chief Executive.

Compliance notice is a notice issued by SATOs directing a parent to comply within a specified timeframe and will be issued if the parent:

- fail to attend a compulsory conference when directed or
- fail to ensure their child attends school in accordance with an agreed attendance plan.

Compulsory conference is a meeting conducted by a SATO where the student, parent and, where possible, principal or senior school staff member, discuss barriers to attendance and strategies for re-engagement. Other persons such as a child psychologist, traditional elder or social worker may also attend.

Compulsory conference notice is a notice directing a parent to attend a compulsory conference.

Child of compulsory school age is a child who has turned six years of age on or before the 30 June of the school year and has not completed Year 10, or turned 17 years of age, whichever comes first.

Compulsory participation phase applies to a student who has completed Year 10 and has not yet turned 17, where the student must participate in an eligible option on a full-time basis until they turn 17. A student who has completed year 10 and has not turned 17 will transition from compulsory school attendance to compulsory participation in an eligible option.

Eligible option is participation on a full-time basis in one of the following:

- approved education or training (see table below)
- if 15 years or over, paid employment (minimum average of 25 hours per week) or
- a combination of approved education, training and paid employment.

Approved education or training	Provider
Year 11 or 12 of secondary education in the Territory or equivalent in a State or another Territory	Government or non-government school
An education program or course of study or instruction	Charles Darwin University or Bachelor Institute of Indigenous Tertiary Education
A higher education course of study under the <i>Higher Education Act</i>	A registered higher education provider
An accredited course or approved apprenticeship under the <i>Northern Territory Employment and Training Act</i>	A registered training organisation
Other education or training approved by the Chief Executive	The Chief Executive may by gazette notice approve a form of education or training
Other education or training at an institution in a State or another Territory that would comply with the above requirements.	A government or non-government school, registered training provider or registered higher education provider.

Enrolment and Attendance unit is a business unit of School Support Services which centrally coordinates the implementation of the Act and other attendance initiatives.

Flexible education arrangement is an arrangement that allows a student's educational program to be delivered through the school and/or alternative approved providers.

Information notices are issued by SATOs requiring parents to comply with the Act. This notice is provided as the first point of formal contact between a SATO and parent requesting information about the student's lack of attendance and notifying them of legal consequences.

Infringement notice is a legal notice issued by a SATO when a parent has not complied with the requirements of the Act.

Parent signifies a child's father, mother or any other person who has parental responsibility for the child, including a person who is regarded as a parent of the child under Aboriginal customary law or Aboriginal tradition.

Parental responsibility of a person signifies that the person:

- a) has daily care and control of the child or
- b) is entitled to exercise all the powers and rights in relation to, and has full responsibility for all aspects of, the long-term care and development of the child or
- c) has daily care and control of the child, and the entitlement and responsibilities mentioned at (b)

and includes a person who has been given the above responsibilities under another state or territory law.

Passive form is a form in SAMS to which a student's name is transferred when the student has recorded 20 consecutive school days of un-notified absence (marked 'U' – Un-notified Absence code) and/or unacceptable reason (marked 'X' – Unacceptable Reason code) and the school has not received notification that the child is enrolled in another school.

Pre-compulsory school age is the age of a child that has not reached compulsory school age.

Prosecution is a legal process where the department alleges that a parent has been non-compliant with the Act.

Regional Attendance and Truancy Managers are authorised persons based in regional centres that monitor the implementation of the Act and other attendance initiatives and manage staff, including SATOs, for their regional offices.

[Student Administration and Management System](#) (SAMS G2 and SAMS Classic, hereafter referred to as SAMS – link is for staff only) is the standard student administration system used in all NT government schools to manage student enrolment and attendance.

Senior Attendance and Truancy Officers (SATO) is a term which, for the purpose of this document, includes Attendance and Truancy Officers. SATOs work under the Act and the *Social Security (Administration) Act* to reduce non-attendance by administering legislative powers. Such powers include, but are not limited to, the following:

- issuing notices
- conducting compulsory conferences
- referring student files for prosecution
- recommending suspension of Category H Centrelink payments.

School Enrolment and Attendance Measure (SEAM) is, for the purpose of this document, an Australian Government initiative administered under the *Social Security (Administration) Act* that impacts on Category H Centrelink payments to a parent who does not enrol their child at school or ensure their child's attendance at school.

Student living independently is a child who is of or above the age of 14 years and not living with a parent. A child who is living with a parent is also considered to be independent if the parent is unable to control the child's behaviour in relation to enrolment, attendance and participation.

3. ROLES AND RESPONSIBILITIES

Regional Directors will:

- work with departmental and school staff to develop service delivery plans for schools
- promote, and ensure schools have put in place, effective local processes for schools to proactively work with and engage students and families, prevent disengagement and enable sustainable re-engagement
- ensure principals attempt to resolve attendance issues through local school processes before seeking SATO intervention
- support, direct and performance-manage Regional Attendance and Truancy Managers.

Enrolment and Attendance unit will:

- develop Northern Territory-wide policy, guidelines and regulatory practices relating to the implementation of the Act and SEAM, to ensure consistent practice
- develop and supply documents (notices and directions) and identity cards for use by authorised persons
- provide training to all authorised persons
- collate, and report on, Northern Territory attendance data.

Regional Attendance and Truancy Managers will:

- work with departmental and school staff to develop and implement service delivery plans for schools and monitor progress
- through effective recruitment, training and performance management, ensure authorised persons within the region implement the Act correctly
- report activity data and provide progress updates to the Enrolment and Attendance unit
- develop patrolling rosters for SATOs and set up local processes to ensure implementation of the Act within the region
- manage and respond to the regional truancy hotline, including taking action on complaints received and ensuring appropriate resolutions in line with the [Complaints management for schools policy and guidelines](#)
- review records in the School Enrolment and Attendance Team (SEAT) database and ensure SATOs accurately record data
- ensure SATOs work with schools in monitoring the passive form and student transitions
- ensure only regional staff who are currently employed in an enrolment and attendance capacity have authorisation in regard to enrolment, attendance and participation enforcement.

Senior Attendance and Truancy Officers (SATO) will:

- work as authorised persons to improve individual student attendance and participation, including issuing and delivering notices, conducting compulsory conferences and engaging with parents, students and school staff

- liaise and form positive working relationships with key community members and stakeholders
- clearly display and present identification cards when working as an authorised person
- work with principals to ensure accurate reporting and data integrity
- review passive form data and work with schools to manage student transition between primary, middle and senior secondary
- work with schools to develop, implement and monitor student attendance plans
- conduct patrols in public places during school hours to identify students not attending/participating in school
- ensure accurate and timely record-keeping of their actions via the SEAT database
- work with Regional Attendance and Truancy Managers to contribute to service delivery plans for schools
- ensure they are aware of [department incident reporting](#) procedures (link for staff only).

Manager Prosecutions will:

- review and assess contested infringement notices and cases referred to the Enrolment and Attendance unit
- work with departmental staff to collect information and evidence and direct further investigation when required
- provide case documentation and refer matters to the Chief Executive for approval
- work with Northern Territory government agencies in facilitating cases through court.

Manager Learn or Earn will:

- enter and record details of students participating in eligible options outside of school in the Eligible Options/Learn or Earn database or equivalent
- coordinate and assist students to access eligible options, alternative options and flexible education and refer files for intervention where necessary
- provide advice to parents, school, departmental staff and external (government and non-government) stakeholders about the department's policy, guidelines and legislative requirements.

Principals will:

- actively work with students and families to promote and support individual attendance
- ensure staff understand departmental policy and guidelines, school processes and their individual roles and responsibilities in line with these documents
- provide information to students and parents regarding attendance/participation requirements and the consequences of non-attendance or non-participation, in accordance with these guidelines
- ensure school staff monitor student attendance, assist in case management and refer cases (primary, middle and senior secondary) to SATOs for intervention
- manage the passive form and work with stakeholders in relation to student transitions between primary, middle and senior secondary
- prioritise participation at compulsory conferences to assist in the development of a student attendance plan
- implement and monitor student attendance plans and notify SATOs if non-attendance continues, or if a change in family circumstances that affects school attendance becomes known
- manage student entry or re-entry into school whilst ensuring they receive appropriate support which may include the provision of re-engagement strategies or flexible education

arrangements to facilitate student attendance.

Teachers will:

- build positive relationships with students and their families, helping to promote regular school attendance
- in accordance with school processes, record and monitor individual student attendance and alert school staff to non-attendance.

4. CASE REFERRAL

4.1 Compulsory school age students

The following criteria must be met prior to a Principal referring a new student file to a SATO:

- the student has five or more (full) school days recorded as an Un-notified Absence ('U' code) or Unacceptable Reason ('X' code) within a five-week school period and/or
- the student has demonstrated a pattern of Un-notified Absence ('U' code) or Unacceptable Reason ('X' code) and/or
- the Principal considers the attendance rate to be unsatisfactory and the school has exhausted all re-engagement strategies including, in particular, consideration of a flexible education arrangement.

The Principal or delegate refers the student file to the allocated school SATO and provides written notification to the Regional Attendance and Truancy Manager. A SATO must manage their workload across their full allocation of schools and work with each Principal or delegate to negotiate the number of students accepted.

4.2 Compulsory participation phase students

A student who fails to participate in an eligible option for an aggregate or continuous period of three months will be referred by the school principal to the Manager Learn or Earn. The Manager Learn or Earn will, where necessary, meet with student, parent and school staff to explore alternative eligible options and flexible education. If they are unable to re-engage the student, the student's file will be referred to the Regional Attendance and Truancy Manager who will then allocate the student to the regional SATO.

4.3 Pre-compulsory school age

SATOs **cannot** legally impose enforcement measures on parents where the student is of pre-compulsory school age. If the child is consistently absent, school staff should discuss the issues affecting their attendance with the child's family.

5. ENFORCEMENT PROCESS

5.1 Patrolling by SATOs

SATOs will conduct public patrols and approach students outside the school during school hours to enquire why they are not in school or participating in an eligible option. During patrols SATOs may:

- approach and take the details of a child of school age in order to check their reason for non-attendance or non-participation
- if the student does not provide evidence of authorised absence, accompany them back to school or to the student's usual place of residence

- notify schools of any child who, when approached, has not provided evidence of authorised absence
- issue an infringement notice to a parent accompanying a student in a public place if the reason for the absence is considered unacceptable; parental status must be confirmed prior to issuing an infringement notice.

5.2 Issuing notices

5.2.1 Information notice

Once a student file is allocated to a SATO, the SATO's first course of action is to issue an information notice to the parent detailing the non-attendance, requesting information in relation to the non-attendance and notifying them of the associated penalties. The notice should be hand-delivered to the parent to ensure receipt. In circumstances where this is not possible, the SATO should mail the notice to the parent's last known address.

If a SATO finds that it is more appropriate to issue a compulsory conference notice in the first instance, then they should do so. This may be appropriate where the student has displayed a pattern of absenteeism and prompt intervention is considered necessary to re-engage the student.

5.2.2 Compulsory conference notice

A compulsory conference notice is a written notice directing a parent to attend a compulsory conference. The notice should be hand-delivered to the parent to ensure receipt. In circumstances where this is not possible, the SATO should mail the notice to the parent's last known address.

5.2.3 Compulsory conference

Where possible, the Principal or senior school staff member should attend all compulsory conferences and work collaboratively with the SATO, parent and student in addressing the issues impacting school attendance. Strategies for re-engagement should be developed and incorporated in the Attendance Plan (see Attachment A).

If a parent fails to attend a compulsory conference a reasonable excuse must be provided. A reasonable excuse is a significant event or illness which prevents the parent from attending the compulsory conference. The determination of whether the excuse is 'reasonable' is carried out on a case-by-case basis by the SATO who should escalate the more complex cases to their manager for advice.

5.2.4 Compliance notice

A compliance notice is issued when parents:

- fail to attend a compulsory conference when directed or
- fail to ensure their child attends school in accordance with an agreed attendance plan.

A parent must comply with the notice within two school days and if non-compliant, may be issued with an infringement notice. The notice should be hand-delivered to the parent to ensure receipt. In circumstances where this is not possible, the SATO should mail the notice to the parent's last known address. If the notice is provided by mail, the two-day compliance period begins after five business days to allow time for mail delivery.

If a parent within the scope of SEAM fails to meet the requirements in the notice within five school days, the SATO will record a non-compliance note with the Department of Human Services. This notification will trigger a suspension of the parent's Category H Centrelink payments unless special circumstances apply.

5.2.5 Infringement notice

An infringement notice is a financial penalty for not complying with the Act. It is to provide an incentive for a parent to comply with attendance and participation requirements before court action potentially being taken against them. The notice should be hand-delivered to the parent to ensure receipt. In circumstances where this is not possible, the SATO should mail the notice to the parent's last known address.

An infringement notice can be issued in the following circumstances:

- a parent's failure to ensure the student attended school each day or each part of a school day during which instruction was provided
- a parent's failure to ensure the student participated in an eligible option
- a parent's failure to comply with an information notice
- a parent's failure to attend a compulsory conference
- a parent's failure to comply with a compliance notice.

6. FURTHER NON-COMPLIANCE

While a parent may be issued further infringement notices if non-compliance continues, consideration must be taken as to why infringement action has been unsuccessful. A SATO should liaise with their school and Regional Attendance and Truancy Manager to ensure that an appropriate course of action is taken; for example, escalating the matter for prosecution.

6.1 Re-engaging students with school

Schools must ensure that reasonable attempts are made to ensure children returning to school are provided with the additional support required.

6.2 Prosecution

If there continues to be no improvement in a student's attendance despite intervention by the SATO and school, prosecution may be considered and/or actioned by using the following steps:

- The SATO will refer the case to their Regional Attendance and Truancy Manager for prosecution
- The Regional Attendance and Truancy Manager will review the case and seek advice from the Manager for Prosecutions within School Support Services in regard to prosecution
- If the Manager for Prosecutions accepts the case referred for prosecution, the case documentation is forwarded to the Chief Executive for approval
- If approval is obtained, the Manager for Prosecutions will work with the Regional Attendance and Truancy Manager and SATO in coordinating the prosecution case
- If there is a reasonable prospect of conviction, the parents will be charged and summonsed to appear before the Court of Summary Jurisdiction.

7. LEGISLATION AND REFERENCES

Department of Education	<ul style="list-style-type: none">• Enrolment policy and guidelines• Complaints management for schools policy and guidelines And for staff only <ul style="list-style-type: none">• Department incident reporting procedures• Student Administration and Management System
Northern Territory	<ul style="list-style-type: none">• Education Act• Higher Education Act• Training and Skills Development Act
National	<ul style="list-style-type: none">• School Enrolment and Attendance Measure (SEAM)• Part 3C of the Social Security (Administration) Act and agreements between the Northern Territory Government and the Australian Government.

