**Managing student absences and enforcing enrolment and attendance at state schools**

# **Processes for enforcing parental obligation that a young person in the compulsory participation phase participates full-time in an eligible option**

1. School/region identifies or becomes aware of a young person in the compulsory participation phase who is not participating full-time in an eligible option.
2. School/region checks the young person’s Queensland Curriculum and Assessment Authority Learning Account for activity if possible.
3. School/region checks with the Home Education Unit (by email) whether the young person is registered or provisionally registered for home education and retains this confirmation.
4. Authorised officer in the region requests Performance, Monitoring and Reporting to conduct a search for information regarding enrolment and attendance to ensure the young person is not enrolled at another state school in Queensland.
5. Authorised officer from the school or region confirms that young person is obliged to participate and that [no circumstances](https://ppr.mpe.qed.qld.gov.au/attachment/circumstances-where-the-legal-obligations-of-parents-do-not-apply.docx) exist where parent’s legal obligation does not apply.
6. Authorised officer from the school or region makes reasonable attempts to contact parents to determine if there is a reasonable excuse for not ensuring their child is participating full-time in an eligible option, using the [Director-General’s Guideline for authorised officers on how to determine whether parents have a reasonable excuse for the purposes of ss.176 and 239 of the Education (General Provisions) Act 2006 (Qld) – 01/2018](https://ppr.mpe.qed.qld.gov.au/attachment/dg-guideline-to-determine-reasonable-excuse-for-the-purposes-of-ss176-and-239.pdf).
7. If the parent/s have a reasonable excuse, the process for enforcing participation does not proceed any further and the authorised officer from the school/region should:
	* record all contacts made with the parent/s and/or young person including outcomes of investigations;
	* continue to assist the young person to participate in an eligible option; and
	* continue to record absences in accordance with the [Roll marking in state schools](https://ppr.mpe.qed.qld.gov.au/pp/roll-marking-in-state-schools-procedure) procedure (if applicable).
8. School/region offers support to family to ensure young person’s participation improves. All efforts – including records of meetings and conversations (e.g. phone calls, home visits, contact with local police, referral to guidance officer, youth support coordinator or other support worker) – must be documented.
9. School/region considers whether an [exemption from compulsory participation](https://ppr.mpe.qed.qld.gov.au/pp/exemptions-from-compulsory-schooling-and-compulsory-participation-procedure), [flexible arrangement](https://ppr.mpe.qed.qld.gov.au/pp/flexible-arrangements-involving-an-alternative-education-provider-procedure) or [alteration to a student’s educational program](https://ppr.mpe.qed.qld.gov.au/attachment/alteration-to-a-students-education-program.docx) is appropriate and required.
10. If the young person is still not participating after two weeks (10 school days) of the first contact with parents, an authorised officer should send by regular and registered post, a [Notice (Form 7 – Failure to participate (s.241(2))](https://ppr.mpe.qed.qld.gov.au/attachment/form-7-failure-to-participate-s241-2-notice.docx) to parents outlining parents’ legal obligation and inviting parents to attend a meeting to discuss the situation.

***NOTE****: For clarity, it is recommended that separate notices are prepared for each individual young person when in the same family, and to each parent if they are residing at different addresses.*

1. Authorised officer keeps a signed copy of the Notice (Form 7), records date, time and by whom letter was posted, and retains the registered post delivery confirmation receipt from Australia Post.
2. If after sending the Notice (Form 7):
* a meeting occurred with the parent/s, and there is no change in circumstances within one week (5 school days) of this meeting; or
* a meeting did not occur with the parent/s, and there is no change in circumstances within one week (5 school days) of sending the Notice, an authorised officer sends by regular and registered post a [Warning Notice (Form 8 – Failure to participate (s241(4))](https://ppr.mpe.qed.qld.gov.au/attachment/form-8-failure-to-participate-s241-4-warning-notice.docx) advising parents of their legal obligations and offering a meeting to discuss support available to address failure to participate.
1. Authorised officer keeps a signed copy of the Warning Notice (Form 8), records date, time and by whom letter was posted, and retains the registered post delivery confirmation receipt from Australia Post.
2. If there is no change in participation a week (5 school days) after the Warning Notice was sent, authorised officer may seek the regional director’s consent to prosecute.
3. Consent to prosecute should only be sought:
* if the compulsory participation requirement applies;
* after all reasonable attempts to assist parents to ensure the young person participates full-time in an eligible option; and
* if there is no [reasonable excuse](https://ppr.mpe.qed.qld.gov.au/attachment/dg-guideline-to-determine-reasonable-excuse-for-the-purposes-of-ss176-and-239.pdf) for the young person not participating full-time in an eligible option.
1. To gain consent from the regional director to prosecute, the authorised officer from the school or region:
* completes [Template 9 – Failure to Participate – General Briefing Note (GBN)](https://ppr.mpe.qed.qld.gov.au/attachment/template-9-failure-to-participate-general-briefing-note.docx);
* scans completed Chief Executive’s Delegate’s Certificate and its attachment, [Instrument of Authorisation](https://ppr.mpe.qed.qld.gov.au/delegation/education-general-provisions-act-2006-director-general-authorisations.pdf), and saves this as Attachment 1 to the GBN in HPE\*; and
* attaches relevant sections (ss.179, 180, 242, 407, 410, cover page and director-general signature page) of the [*Instrument of Delegation under the Education (General Provisions) Act 2006* (Qld)](https://ppr.mpe.qed.qld.gov.au/delegation/education-general-provisions-act-2006-director-general-delegations.pdf) to the GBN authorising the regional director to consent to bring proceedings as the Chief Executive’s delegate.

\*Please note if the GBN has been completed by an authorised officer at school, the school is to progress completed GBN and attachments to the region who will save all documentation in HPE.

***NOTE****: For clarity, it is recommended that GBNs are prepared for each individual young person when in the same family.*

1. Authorised officer progresses brief (with any necessary amendments) to the regional director.
2. Regional director considers brief and makes a decision regarding consent to prosecute.
3. If regional director gives consent to prosecute, region provides GBN, copy of all forms and any relevant correspondence regarding the young person’s participation to the Officer-in-Charge of their local Queensland Police Service (QPS), Child Protection Investigation Unit. Region can use [QPS referral letter template – failure to participate](https://ppr.mpe.qed.qld.gov.au/attachment/qps-referral-letter-failure-to-participate.docx). QPS will use this information to consider whether or not to commence the prosecution in accordance with QPS policy.
4. Region notifies the school of the regional director’s decision if appropriate.
5. Region keeps a central record in HPE of all cases where the regional director has consented to prosecute and the matter has been referred to the QPS.
6. Region liaises with the QPS to determine if any further assistance is required by the QPS (e.g. contact details for witnesses, staff attendance at court). Information requested by QPS can be provided directly - it is not necessary to follow processes in the [Disclosing personal information to law enforcement agencies](https://ppr.mpe.qed.qld.gov.au/pp/disclosing-personal-information-to-law-enforcement-agencies-procedure) procedure. Details of any information provided to the QPS should be recorded in HPE. If QPS requires an original certified copy of the [*Instrument of Delegation under the Education (General Provisions) Act 2006* (Qld)](https://ppr.mpe.qed.qld.gov.au/delegation/education-general-provisions-act-2006-director-general-delegations.pdf), region should email central office at Enquiries.SchoolOperations@qed.qld.gov.au to obtain this.
7. Region maintains contact with the QPS to obtain the outcome of the prosecution. Region keeps a central record in HPE, and notifies the school of the outcome if appropriate.