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

# **Processes for enforcing parental obligation that a child of compulsory school age is enrolled in a school**

1. Region identifies or is notified of a compulsory school age child who may not be enrolled.
2. Region checks whether the child is enrolled in any state or [non-state school](https://ppr.mpe.qed.qld.gov.au/attachment/letter-template-for-regions-to-non-state-schools-checking-if-a-student-is-enrolled-compulsory-schooling.docx), including searching OneSchool.
3. Region checks whether the child has been granted an exemption from schooling.
4. Region checks with the Home Education Unit (by email) whether the child is registered or provisionally registered for home education and retains this confirmation.
5. Authorised officer in the region requests Performance, Monitoring and Reporting to conduct a search for information regarding enrolment of child to ensure the child is not enrolled at another state school (including a school of distance education).
6. Authorised officer from region confirms that child is obliged to be enrolled 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 the parent’s legal obligation does not apply.
7. Authorised officer from region makes reasonable attempts to contact parent/s and determines if there is a reasonable excuse for not ensuring child is enrolled 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).
8. If the parent/s have a reasonable excuse, the authorised officer from the region should record all contacts made with the parent/s and/or child including outcomes of investigations, and the process for enforcing enrolment does not proceed any further.
9. If the parent/s do not have a reasonable excuse, region makes reasonable attempts to contact both parents and offers support to family to enrol their child. 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.
10. Region considers whether an [exemption from schooling](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 for the child.
11. If the child is not enrolled within two weeks (10 school days) of the first contact with the parents, an authorised officer sends by regular and registered post, a [Notice (Form 1 – Failure to enrol(s.178(2))](https://ppr.mpe.qed.qld.gov.au/attachment/form-1-failure-to-enrol-s178-2-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 child 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 1), 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 1):
* a meeting occurred with the parents, and there is no change in circumstances within one week (5 school days) of this meeting; or
* a meeting did not occur with the parents, 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 2 – Failure to enrol(s178(4))](https://ppr.mpe.qed.qld.gov.au/attachment/form-2-failure-to-enrol-s178-4-warning-notice.docx) advising parents of their legal obligations and offering a meeting to discuss support available to address failure to enrol.
1. Authorised officer keeps a signed copy of the Warning Notice (Form 2), records date, time and by whom letter was posted, and retains the registered post delivery confirmation receipt from Australia Post.
2. If the child is still not enrolled within one week (5 school days) of sending the Warning Notice (Form 2), an authorised officer may seek the regional director’s consent to prosecute.
3. Consent to prosecute should only be sought:
* if the compulsory schooling requirement applies;
* after all reasonable attempts to assist parents to enrol the child have been made; 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 child not being enrolled.
1. To gain consent from the regional director to prosecute, the authorised officer:
* completes [Template 3 – Failure to enrol – General Briefing Note (GBN)](https://ppr.mpe.qed.qld.gov.au/attachment/template-3-failure-to-enrol-general-briefing-note.docx);
* scans completed Chief Executive’s Delegate’s Certificate template 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.

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

1. Authorised officer progresses GBN (with any necessary amendments) to the regional director.
2. Regional director considers GBN and makes a decision regarding consent to prosecute.
3. If regional director gives consent to prosecute, region provides GBN and a copy of all forms and any relevant correspondence regarding the child’s enrolment to the Officer-in-Charge of their local Queensland Police Service (QPS), Child Protection Investigation Unit. Region can use the [QPS referral letter template – failure to enrol](https://ppr.mpe.qed.qld.gov.au/attachment/qps-referral-letter-failure-to-enrol.docx). QPS will use this information to consider whether or not to commence the prosecution in accordance with QPS policy.
4. Region keeps a central record in HPE of all cases presented to the regional director for consideration; including whether (and when) a matter has been referred to the QPS.
5. Region liaises with local 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), region should email central office at Enquiries.SchoolOperations@qed.qld.gov.au to obtain this.
6. Region must maintain contact with the QPS to obtain the outcome of the prosecution and record this in HPE.