

# VICTORIAN ATTENDANCE LEGISLATION

In Victoria, it is compulsory for children and young people aged 6–17 years to attend school.

Parents are legally required to ensure their child attends school every day and to provide an explanation for their child's absence from school unless an exemption from attendance has been granted or an exception to their attendance applies.

Evidence shows that daily school attendance is important for young people to succeed in education and to ensure they don't fall behind both socially and developmentally. Young people who regularly attend school and complete Year 12 or an equivalent qualification have better health and employment outcomes and enjoy higher incomes.

The law provides a framework for school's attendance, exemptions and exceptions from attendance and parents' obligations relating to ensuring attendance. The rules are not in place to punish students' time away from school, which can be unavoidable. Instead, the laws are an effort to promote and improve student attendance across Victorian schools.

## THE COMPULSORY SCHOOL AGE

All children aged 6–17 years are required to either be enrolled at a registered school, or registered for home schooling. In some circumstances a parent can apply to the Regional Director to exempt a child from enrolment at school. For more information see: [Exemptions](#)

## RESPONSIBILITY FOR ENSURING THAT A CHILD ATTENDS SCHOOL

School attendance is mandated under the *Education Training and Reform Act 2006*. It is the responsibility of parents, guardians or anyone who has parental responsibility for a child to ensure the child attends school on a regular basis.

## HOW ATTENDANCE IS RECORDED BY SCHOOLS

Schools must record student attendance twice per day in primary schools and every period in secondary schools.

## REQUIREMENTS THAT APPLY TO CHILDREN ATTENDING NON-GOVERNMENT SCHOOLS

The rules apply to parents of compulsory school-aged children attending any Victorian Government, Independent and Catholic Schools.

## 'POOR ATTENDANCE' FOR THE PURPOSE OF THE LEGISLATION

What is considered as "poor attendance" is determined on a case by case basis. However, under the legislation, if a student of compulsory school age is absent from school for five days within a school year and without a reasonable excuse, then further action can be taken, at the discretion of the principal.

## UNEXPLAINED OR UNAPPROVED ABSENCES

A principal can approve or not approve any absence, based on the requirements of the *Education and Training Reform Act 2006*, an individual school policy or on a case-by-case basis.

*The Education and Training Reform Act 2006* provides some examples of what a reasonable excuse is for the purposes of explaining a school absence and includes, amongst other considerations:

- Illnesses and accidents;
- Unforeseen and unexplained circumstances;
- If the absence was a result of complying with another law;
- The child is receiving distance education through a registered school;
- The child is undertaking approved education, training and/or employment;
- The child has been suspended or expelled; and
- The child is attending or observing a religious event or obligation.

### **Unexplained Absence:**

A principal will record an absence as 'unexplained' if no explanation about the absence is given to the school by the parent or carer of the student.

If you do not contact the school to provide an explanation on the day of the student absence, the school must attempt to contact the parent or legal guardian either by phone or in writing and seek an clarification within three days of the recorded absence.

If no contact can be made with the parent or other carers of the child within 10 days, the absence will be recorded as an unexplained absence and a noted will be made in the child's file. A parent or legal guardian can contact the principal at any time after the recorded absence to provide an explanation.

### **Unapproved Absence:**

In general, a principal may record an absence as 'unapproved' when no reasonable explanation has been given for the student's absence. If a reason is given for a student absence is not approved by the principal than the school will notify the parent or legal guardian in writing.

## **ACTION THAT WILL BE TAKEN IF YOUR CHILD REACHES FIVE DAYS OF UNAPPROVED OR UNEXPLAINED ABSENCE**

If a child reaches five days of unapproved or unexplained absence in the preceding 12 months then the school and principal will work with the parent or legal guardian to implement the appropriate support or intervention to assist the child and ensure they attend school every day and remain at school during school hours. If the support and intervention do not improve your child's attendance, the principal may decide to make a referral to the School Attendance Officer. This person is the Regional Director of the Department's Regional Office where you are located.

## **WHEN A REFERRAL IS MADE TO THE SCHOOL ATTENDANCE OFFICER**

The School Attendance Officer will investigate the student absence records and may take one or all of the following steps depending on the circumstances.

- Issue a School Attendance Notice
- Issue an Official Warning
- Issue an Infringement Notice

For more information on the School Attendance Officer, see: [School Attendance Officers](#).

## **WHAT YOU CAN DO IF YOU HAVE BEEN ISSUED A SCHOOL ATTENDANCE NOTICE**

The School Attendance Notice is not a fine but rather an opportunity for the child's family to explain the absences and work with the child's school to improve attendance in the future. The School Attendance Officer will assess the family's response to a School Attendance Notice.

For more information, including how a School Attendance Officer assesses your family's response, see: [School Attendance Notices](#).

## **WHAT YOU CAN DO IF YOU HAVE RECEIVED A SCHOOL ATTENDANCE NOTICE BUT YOUR CHILD WAS NOT WITH YOU ON THE DATE LISTED**

The School Attendance Notice gives parents and legal guardians the opportunity to state why their child was absent on the dates listed in the notice. The notice should be completed and returned to the School Attendance Officer by the due date.

## **WHAT YOU CAN DO IF YOU HAVE BEEN ISSUED WITH AN OFFICIAL WARNING**

A School Attendance Officer may decide to issue an Official Warning prior to, or instead of, issuing an Infringement Notice.

For more information see: [When to Issue an Official Warning](#).

## **CIRCUMSTANCES UNDER WHICH YOU CAN BE ISSUED WITH AN INFRINGEMENT NOTICE**

After other strategies to improve attendance have been implemented and failed under the new legislation, the school have the right to issue an Infringement Notice, which used as a last resort.

For more information see: [Infringement Notices](#).

## **APPEALING AN INFRINGEMENT NOTICE IF YOU THINK IT HAS BEEN ISSUED UNFAIRLY**

If there is reason to believe that the Infringement Notice was unfairly issued, than a parent or legal guardian can apply for an internal review with the Department of Education and Training or elect to have the matter heard in the court.

For more information on the grounds for review and the process for lodging a review request, visit: [Infringement Notices](#) ('[Appeals](#)').

## **HOW MUCH IS THE FINE**

The infringement notice is currently \$78. The amount changes each financial year.

## TYPES OF ABSENCE

### **Circumstances when you may receive a fine if your child has missed lots of school due to illness**

A genuine illness is a reasonable excuse. The cause of each absence will be considered on a case by case basis. While a child is absent, a parent or legal guardian should continue to update the school on the situation and work with the school to develop a Student Absence Learning Plan to ensure that the student's educational needs are supported and they do not fall behind in their school work.

If a child is absent for a long period of time due to illness than the parent or legal guardian may wish to discuss flexible options for accessing school. The principal will be able to advise if arrangements such as Distance Education are appropriate.

### **Circumstances when you may receive a fine if your child attends remedial tutoring or classes outside school that are scheduled during school hours**

A school principal has the discretion to decide whether an absence caused by attending remedial class or tutoring will be approved or unapproved. The parent should discuss this before the child starts undertaking the classes. In general, it is expected that the family and the school work together to identify the child's educational needs and address them within the school setting and school hours.

### **Taking your child for an extended holiday during school term, and what you can do to ensure that their learning needs are supported**

Generally, schools advise against planning a family holiday in term time.

If you are planning an extended holiday discuss this with your school principal well in advance of finalising any plans. The principal has the discretion to decide whether or not to approve the absence taking into account the student's educational interests. If the principal approves the absence, work with your child's school so you support your child's education during their holiday.

See: [Student Absence Learning Plan](#)

If the principal decides not to approve the absence, the parent or legal guardian should work with the school to decide on a reasonable length of absence or a more appropriate time for the child to go on holiday. If the parent or legal guardian decides to go on a holiday during the school term despite it being an 'unapproved' absence and the duration of the absence is over five days, the principal may choose to refer the case to the School Attendance Officer for further action and this may result in an Infringement Notice.

### **When it's appropriate for your child to attend school part-time due to a disability**

Full-time attendance is compulsory for all students aged 6-17 unless an exception from school applies, an exemption has been granted or there is a reasonable excuse provided for non-attendance. For either an exception or an exemption, a student and/or parent needs to submit an application to the relevant principal who will then make a recommendation to the Regional Director who, in turn, makes a determination based on Department policy. For more information see:

[Admission](#)

In some circumstances, it may be appropriate for students with a disability to attend school for a reduced number of hours. This arrangement should only be entered into on a short-term basis and

only if it is agreed by all parties, including school, family, practitioners and Department regional offices, that the reduced amount of school hours is in the best interests of the child. Each arrangement will be assessed on a case by case basis.

If the child is attending school for a reduced amount of hours as part of a plan that both outlines the return to full-time schooling and has been developed in consultation with the child's school then this will be considered as an approved absence and will not be referred to a School Attendance Officer.

For more information contact the Disability Coordinator at your closest departmental Regional Office for further advice. See: [Regions](#).

### **What happens if your child skips school without your knowledge**

The *Education and Training Reform Act 2006* recognises absences that are due to the child's disobedience and are not any fault of the parent. It is therefore deemed a reasonable excuse and will not count towards the total of unapproved or unexplained absences.

If these absences are a continuing issue for your child, you should work with the school to develop plans or strategies to support their continuing engagement in school and to prevent further truancy.

For more information on strategies and supports available see: [Attendance](#)

### **What happens if your child refuses to go to school, and how you can support them to return**

School refusing children experience significant emotional distress not only when going to school but also at the thought of going to school; they may be absent from school for weeks or even months at a time. School refusal differs from truancy as children generally stay home with the knowledge of the parents and despite the parents' best efforts to encourage their child to go to school.

School refusal may be considered a reasonable excuse for absence and if supports and interventions are being sought, should not count towards unexplained or unapproved absence.

It is important in these circumstances that you clearly communicate your situation and concerns with your child's school. You should work with your child's school to find the best way to support them in this situation. Schools have the flexibility to modify the school experience for students so that it better caters to their needs, goals and strengths.

For more information on the supports and interventions to support your child see: [Attendance](#)

### **What happens if your child is employed in the entertainment industry and misses school regularly**

Any child employed in the entertainment industry during school hours must have been granted a school exemption. When considering an application, a principal will consider, amongst other factors, how the employment might adversely affect the child's educational needs and wellbeing. The process for applying for these exemptions is outlined in the Department's School Policy and Advisory Guide. Non-government schools are also advised to follow these procedures.

For more information, see: [Attendance - Exemption Application Process](#).

### **Being issued a school enrolment notice**

All children of compulsory school age (6–17 years) must be enrolled in school or registered for home schooling. If you have been issued with a School Enrolment Notice this means that the School Attendance Officer has become aware that there is no record that your child or children are enrolled in school or registered for home schooling. The School Enrolment Notice is not a fine instead, it is an opportunity for your family to work with the School Attendance Officer to ensure your child is enrolled at school or properly registered for home schooling.

For more information see: [Enrolling Your Child in School or Registering for Home Schooling.](#)