

MINISTERIAL INSTRUCTION

NO 6 RELATING TO SCHOOL STUDENT ABSENCES

Statement

This Ministerial Instruction outlines the processes to be followed in managing absences of school students, the information to be included in a referral to the Registrar and how this information will be assessed against the requirements for convening a compulsory conciliation conference, and requirements of a conciliator in conducting a conference.

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Ministerial Instructions No 6 Relating to School Student Absences

I, Jeremy Rockliff, being the Minister for Education and Training, make the following instruction, for the purpose of section 6 of the *Education Act 2016*.

1. Purpose

- 1.1 The purpose of this Ministerial Instruction is to outline:
- a. processes to be followed in managing the absences of school students not authorised by Part 3 of the Act;
 - b. the information to be included in a referral to the Registrar and the assessment of this information against the requirements for convening a compulsory conciliation conference; and
 - c. requirements for a conciliator in conducting a compulsory conciliation conference.

2. Scope

This Instruction applies to all State and non-government schools.
This Instruction comes into effect on 10 July 2017.

3. Instructions

3.1. Managing the absences of school students not authorised by Part 3

3.1.1. An Administrative Authority must follow any policy of the Administrative Authority as it relates to school student attendance and the managing of absences of school students not authorised by Part 3 of the Act. This may include the Administrative Authority authorising a person to investigate any unauthorised absence, or suspected unauthorised absence of a school student for the purpose of section 40 of the Act.

3.2. Referral to the Registrar for the purposes of convening a compulsory conciliation conference

3.2.1 Before a referral of non-attendance is made to the Registrar, the Administrative Authority must:

- a. ensure compliance with any policy of the Administrative Authority on managing student absences, or identification of any exceptional circumstances that warrant referral of non-attendance despite the policy of the Administrative Authority not having not been fully complied with; and
- b. be satisfied that the student absence fits within the requirements of the Registrar to convene a compulsory conciliation conference.

3.2.2. The Administrative Authority should consider the individual matter against any guidelines issued by the Registrar. Specifically, whether there are exceptional circumstances where a justification can be made for a conciliation conference to be held despite the policy of the Administrative Authority having not been fully complied with. For example, where complying with the steps set out in an attendance policy would not resolve the non-attendance of the school student.

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3.2.3. A referral to the Registrar must include, where such information exists,:

- a. the referral form as approved by the Registrar, signed by the principal and including confirmation from the Administrative Authority to proceed;
- b. a copy of the school student's attendance records, certified by principal;
- c. copies of all correspondence sent to parents/guardians regarding non-attendance;
- d. a copy of the school student's enrolment form, that includes the parent/guardian contact details;
- e. a copy of any policy of the Administrative Authority as it relates to school student attendance and the managing of absences of school students not authorised by Part 3 of the Act;
- f. summary of phone or verbal conversations held with parents/guardians regarding non-attendance;
- g. correspondence from parents/guardians including medical certificates;
- h. copy of all other information regarding the non-attendance of school student including meeting notes, action plans etc;
- i. summary of actions including support/intervention provided to date to engage with the school student (including all relevant information from teaching and support staff, ie school social workers/psychologists); and
- j. such other information as determined by the Registrar.

3.3. Requirements against which the Registrar is to assess a referral

3.3.1 After considering all the information provided as part of the referral, the Registrar must make an assessment as to whether:

- a. the Administrative Authority has taken all reasonable steps to resolve the non-attendance, including complying with any policy of the Administrative Authority as it relates to attendance; and
- b. any further action that could be taken by the Administrative Authority would be unlikely to result in the school student attending.

3.3.2. If the Registrar is satisfied that:

- a. the Administrative Authority has taken all reasonable steps to resolve the non-attendance; or
- b. any further action by the school is unlikely to result in the school student attending,
- c. the Registrar is to accept the referral and progress the matter to a compulsory conciliation conference.

3.3.3. If the Registrar is not satisfied on the basis of the information received, the Registrar is to reject the referral.

3.4. Conduct of conciliation conference

3.4.1. In conducting a conciliation conference, the conciliator must:

- a. explain that the purpose of the conference is to negotiate outcomes to support a school student to return to school or an approved learning program at the commencement of the conference;
- b. establish a process for conciliation that supports a positive experience for all parties; one that is respectful, fair and aimed at resolution of the issues;
- c. consider any written submissions made by a school student, or someone on behalf of the school student; and
- d. manage the conduct of the compulsory conciliation conference to ensure that sufficient time is provided to explore the issues and that breaks are provided as necessary; and
- e. act in accordance with the Act.

3.5. Guidelines

3.5.1 The Registrar may issue Guidelines to specify matters that will and will not be considered for compulsory conciliation conferences.

4. Definitions

As per the *Education Act 2016*.

Act means	the <i>Education Act 2016</i>
Authorised absence means	an absence that is authorised under the <i>Education Act 2016</i> , specifically sections 19 and 36, and the circumstances set out in the Ministerial Instruction on Students Excused from Daily Attendance at School.
Authorised Person means	a person authorised under section 40 of the Act to investigate any unauthorised absence, or suspected unauthorised absence of a school-aged child or youth.
Unauthorised absence means	any absence that is not authorised.

Table 1: Definition of terms

5. Details

Minister Authorisation:	Jeremy Rockliff
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Table 2: Details of document authorisation

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6. History of Changes

Effective date	Last update date	Policy version no.	Notes
10 July 2017	-	1	<i>New Education Act 2016.</i>

Table 3: History of document changes