

GUIDELINES

ENROLMENT ENFORCEMENT

Responsibility of:	School Support Services	File:	FILE2015/90
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Target Audience:	Corporate and school staff, parents and students		

This document should be read in conjunction with the [Enrolment policy and the associated guidelines](#).

1. INTRODUCTION

These guidelines outline how authorised persons under the [Education Act](#) (the Act), will work with schools and families to enforce the compulsory enrolment requirements under section 39 of the Act.

Enrolment in early childhood programs such as Families as First Teachers, preschool and Transition is non-compulsory and therefore not within the scope of these guidelines.

2. DEFINITIONS

Approved education and training is prescribed under the Act as:

- a) Year 11 or 12 of secondary education in the Territory or the equivalent in a State or another Territory
- b) an education program or course of study or instruction provided by Charles Darwin University or the Batchelor Institute of Indigenous Tertiary Education
- c) a higher education course accredited under the *Higher Education Act*
- d) an accredited course or approved apprenticeship under the *Northern Territory Employment and Training Act*
- e) other education or training approved by the Chief Executive
- f) other education or training at an institution in a State or another Territory that, if provided in the Territory, would comply with the NT requirements.

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 (SATO) who are granted legal powers and functions under the Act when they are appointed by the Chief Executive, NT Department of Education. In addition, some authorised persons exercise delegated legislative powers and functions by the Chief Executive.

Child of compulsory school age is a child that turns six years of age on or before the 30 June of the school year until the child completes Year 10 or turns 17 years of age, whichever comes first.

Compulsory participation phase applies to students who have completed Year 10, but have not turned 17, where the student must participate in an eligible option on a full time basis until they turn 17.

Daily care and control of a child (in regards to the definition of parent) refers to a person who is entitled to exercise all the powers and rights, and has all the responsibilities, in relation to the day-to-day care and control of the child.

Direction to Enrol is a notice issued by an authorised person which compels a parent or student living independently to enrol in school.

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

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

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

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 (in regards to the definition of parent) refers to a person who has:

- (a) daily care and control of the child, or
- (b) is entitled to exercise all the powers and rights, and has all the responsibilities, in relation to the long-term care and development of the child, or
- (c) has daily care and control of the child and the entitlement and responsibilities at (b) and includes a person who has been given the above responsibilities under another state or territory law

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 for that regional office including SATOs.

Senior Attendance and Truancy Officers (SATOs) 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.

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

3. ROLES AND RESPONSIBILITIES

Principals will:

- ensure the school has procedures in place for notifying SATOs where there are reasonable grounds to believe that a child of compulsory school age is not enrolled in school
- manage student (re)entry into school to ensure appropriate support, which may include the provision of re-engagement strategies or flexible education arrangements to facilitate student attendance
- ensure students wishing to participate in an out of school eligible option are supported in transitioning into the new arrangements and a [Notification of Arrangements](#) form is completed and provided to the Manager Eligible Options.

Enrolment and Attendance unit, School Support Services will:

- develop NT-wide policy, guidelines and regulatory practices relating to implementation of the Act to ensure consistent practice
- provide timely advice to schools and regional staff on department policy, legislation and any other issues that affects the enrolment of students in NT government schools
- ensure core training is provided to authorised persons as and when required
- develop and supply documents (notices and directions) and identity cards for use by authorised persons
- collate and report NT enrolment and attendance data.

Regional Attendance and Truancy Managers will:

- ensure authorised persons within the region implement the Act accurately through effective recruitment, training and performance management
- 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 ensure appropriate resolutions
- review records in the School Enrolment and Attendance Team database and ensure SATOs accurately record data.

Senior Truancy and Attendance Officers will:

- enforce enrolment of compulsory school aged and compulsory participation phase children pursuant to the enforcement powers provided under section 176 of the Act
- inform and liaise with a school on a Direction to Enrol to help ensure school readiness for a child who has been disengaged
- maintain accurate records of their actions via the School Enrolment and Attendance Team database.

Manager Eligible Options will:

- support schools, employers, registered training organisations etc. in developing suitable eligible options for students outside of school
- record and maintain a register of details and arrangements of students participating in out of school eligible options
- monitor student arrangements and participation in out of school eligible options and refer files to Regional Attendance and Truancy Managers for intervention where necessary

- provide advice to parents, students, school, department staff and external stakeholders (government and non-government) about department policy and guidelines and legislative requirements.

Manager Prosecutions will:

- review and assess contested infringement notices and cases referred to the Enrolment and Attendance unit
- work with department 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 NT government agencies to process cases through court.

4. COMPULSORY ENROLMENT AND OUT OF SCHOOL ELIGIBLE OPTIONS

Children who turn six years of age on or before 30 June of the school year are of compulsory school age and must be enrolled in a school or a Distance Education Centre, unless they are:

- complying with special arrangements or are exempt from enrolling by the Chief Executive
- participating in an approved home education program (refer to the [Home Education policy](#)).

Under the Act, a parent of a child of compulsory school age has a legal obligation to ensure the child is enrolled in and attends school each school day, or each part of a school day, where instruction is provided.

Once a student has completed Year 10 the child must participate in an eligible option until they reach 17 years of age. An eligible option is approved education or training or, provided the student is 15 years or over, paid employment or a combination of the two. This is referred to as compulsory participation phase.

A parent has a legal obligation to ensure the child is participating in an eligible option. Students living independently have the same legal obligations as a parent in respect to enrolment, attendance and participation.

4.1 Out of School Eligible Options (Notification of Arrangements)

Where a student has completed Year 10 and is between 15 and 17 years of age, the student may choose to participate full time in one of the following eligible options:

- paid employment (minimum average of 25 hours per week); or
- a combination of approved education/training and paid employment.

Schools are responsible for working with students who wish to participate in one of the above eligible options and facilitate the student's transition into the new arrangements. The Manager Eligible Options will provide advice to schools, as required, to ensure that eligible option arrangements comply with compulsory participation requirements.

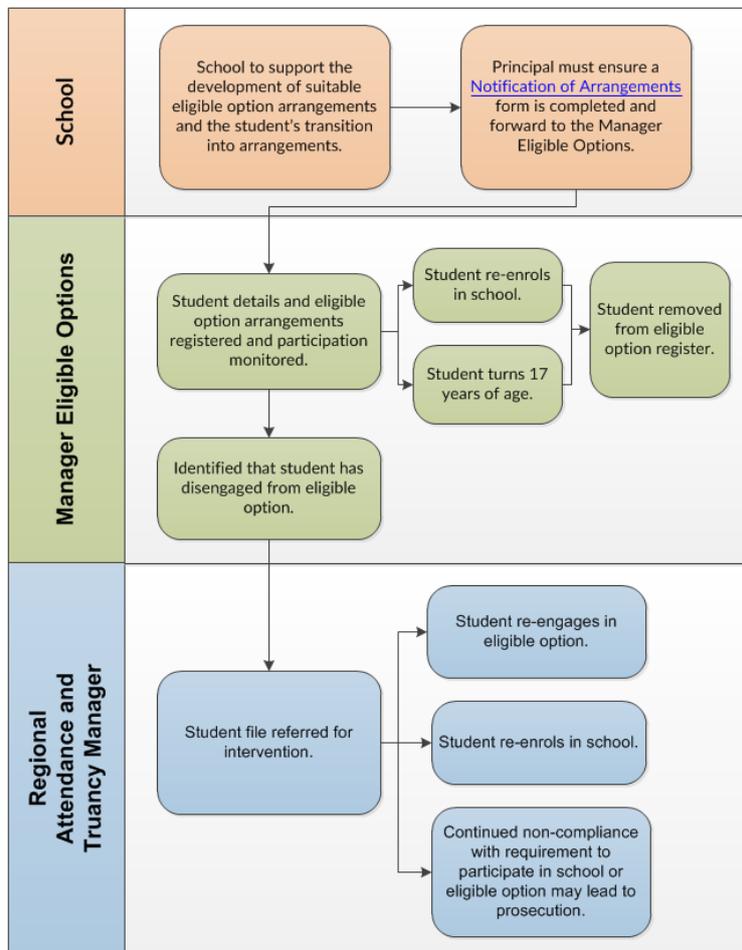
Where a student is participating in an out of school eligible option, the principal must ensure that a [Notification of Arrangements](#) form is completed and forwarded to the Manager Eligible Options. This will include options where a student is participating in:

- full time employment; or
- approved education or training where the provider is not a school (e.g. an apprenticeship other than a school based apprenticeship or full time study through a university or registered training organisation).

The Manager Eligible Options will maintain a register of students participating in out of school eligible options. Once the student has commenced participation in the out of school eligible option the student may be placed on the school's former roll.

The Manager Eligible Options will monitor the arrangements and participation of registered students and where non-compliance or disengagement is identified, refer the student to the relevant Regional Attendance and Truancy Manager for intervention. Table 1 provides a flowchart of these arrangements.

Table 1. Flowchart of out of school eligible options registration and enforcement



Once a student is registered for an out of school eligible option, it becomes the responsibility of the parent, or student living independently, to complete and submit a new [Notification of Arrangements form](#) if or when arrangements change.

Notification of arrangements must continue until the student is 17 years of age.

5. ENFORCEMENT MEASURES

Under the Act, SATO's as authorised persons may apply enforcement measures for non-compliance with the compulsory enrolment requirements.

It should be noted that for students in the compulsory participation phase, enforcement measures can only be applied when it has been identified that a child has not participated in an eligible option for an aggregate or continuous period of three months within a twelve month period.

5.1 Authorised persons may request information

SATOs conduct public patrols and approach compulsory school aged children during school hours to enquire why they are not in school or participating in an eligible option. During patrols SATOs, as authorised persons, may take the details of compulsory school age children that they approach in order to check their reason for not being in school or participating in an eligible option.

Authorised persons may also call at an address between the hours of 8am and 7pm and request information, from any person 14 years of age or over, regarding the enrolment or eligible option arrangements of any school aged children who usually reside at that address.

5.2 Direction to Enrol

Under section 176 of the Act, SATOs, as authorised officers, can issue a Direction to Enrol to a parent requiring them to enrol their child in a school within 10 school days after the Direction to Enrol is given. Where a student is living independently, the direction to enrol will be issued to the student. When issuing a Direction to Enrol the SATO must:

- clearly explain what the notice means and what the consequences are should they not comply
- provide advice on the process for enrolment and the next steps they should take
- seek information to determine if there are any barriers to enrolment and attendance
- liaise with the school where enrolment is intended.

The Direction to Enrol will state the date by which the child must be enrolled in school. On this date, the SATO should contact the proposed school(s) to determine whether or not the child has enrolled.

If the child has not enrolled, the SATO should then conduct a home visit to determine why. In special circumstances, the SATO may extend the Direction for a further 10 days. However, if the child has not enrolled without a reasonable excuse, the SATO can proceed with issuing an infringement notice.

5.3 Infringement Notice

An Infringement Notice is a financial penalty for not complying with the Act. It is to provide an incentive to comply with enrolment requirements before possible court action is taken.

Continued non-compliance with the Act may result in prosecution.

5.4 Prosecution

If the child is not enrolled in a school or engaged in an out of school eligible option despite SATO intervention, prosecution may be considered through the following steps:

- SATOs will refer cases for prosecution to their Regional Attendance and Truancy Manager
- Regional Attendance and Truancy Manager will review a case and seek advice from the Manager for Prosecutions within School Support Services
- if a case referred for prosecution is accepted by the Manager for Prosecutions, case documentation is forwarded to the Chief Executive and the Minister for approval
- if approval is obtained, the Manager for Prosecutions will work with the Regional Attendance and Truancy Manager and SATOs 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.