Background

This school policy has been reviewed in line with the current DET document *Suspension and Expulsion of students – Procedures 2011*.

Context

- All students and staff have the right to be treated fairly and with dignity in an environment free from disruption, intimidation, harassment and discrimination.
- There will be cases of unacceptable behaviour where it will be in the best interests of the school community and/or the student involved, for the student to be removed from the school for a period of time or completely.
- In implementing these procedures, the Principal must ensure that no student is discriminated against on the grounds of race, sex, disability, homosexuality, transgender or age.
- The Principal must also ensure that the implementation of these procedures takes into account factors such as the age, individual needs, any disability and developmental level of students.
- Suspension is NOT intended as a punishment. It is only one strategy for managing inappropriate behaviour within a school’s student welfare and discipline policies.
- Suspension allows time for school personnel to plan appropriate support for the student to assist with successful re-entry.
- The principles of procedural fairness (the right to be heard and the right of a person to a fair and impartial decision) must be adhered to.
- These procedures apply to the behaviour of students at school, on the way to and from school and while away from the school site on school endorsed activities.
SUSPENSION – General Principles

- In determining whether a student’s behaviour is serious enough to warrant a suspension, the Principal will consider the safety, care and welfare of the student, staff and other students.
- Before a suspension is imposed, the Principal will ensure that appropriate school student welfare strategies and discipline options have been applied and documented (with the exception of those cases outlined in dot point 4).
- In some circumstances the Principal may determine that a student should be suspended immediately. This will usually be due, but not limited to, reasons such as the safety of students and staff.
- When consideration has been given to factors such as age, disability and developmental level of students, Principals must suspend immediately and consistently with these procedures any student who:
  - Is physically violent; either resulting in physical injury or seriously interferes with the safety and well being of others.
  - Is in possession of a firearm, prohibited weapon (as defined by Schedule 1 of the Weapons Prohibition Act), or knife (without reasonable cause).
  - Uses, supplies or is in possession of, a suspected illegal substance (not alcohol or tobacco) or supplies a restricted substance.
  - Engages in serious criminal behaviour related to the school.
- Schools should ensure that in meetings with school personnel, parents have access to on site or telephone interpreter services where required. Consideration may also need to be given to cultural issues and the intellectual capacity of a parent to understand what is occurring.
- In all cases of suspension:
  - A formal disciplinary interview must be held with the student prior to making the decision to impose a short suspension. Explicit details of the allegation must be provided and the student must be given time to consider and respond to these. Minutes of the interview should be documented.
  - A suspension resolution meeting must be convened by the Principal at the earliest opportunity. The Principal, in conjunction with the parents, should utilise the school, regional and other available resources in assisting the student to modify their behaviour.
SHORT SUSPENSION

- In cases where a range of appropriate student welfare and discipline strategies have been implemented and been unsuccessful in resolving inappropriate behaviour or the Principal determines that the behaviour of a student is of a type that warrants immediate suspension, the Principal may choose to impose a short suspension of up to and including 4 school days. Short suspensions may be imposed and will be reported in the following categories:
  - **Continued Disobedience.**
    This includes, but is not limited to, breaches of the school discipline code such as: refusal to obey staff instructions; defiance; disrupting other students; use of alcohol or repeated use of tobacco.
  - **Aggressive Behaviour.**
    This includes, but is not limited to hostile behaviour directed towards students, members of staff or other persons, including; damaging the property of the school or students; bullying (including cyberbullying); verbal abuse, and abuse transmitted electronically such as by email, SMS text message or by other electronic means.

LONG SUSPENSION

- If short suspensions have not resolved the issue of inappropriate behaviour, or the misbehaviour is so serious as to warrant a long suspension, the Principal may impose a long suspension of up to and including 20 school days. In determining if a student’s behaviour is serious enough to warrant a long suspension the Principal must consider:
  - Safety of students and staff
  - The merit and circumstances of the particular case
  - Factors such as age, individual needs, any disability and developmental level of the student.
- Subject to factors in the dot point above, Principals will impose a long suspension for:
  - **Physical violence**
    Which results in injury, or which seriously interferes with the safety or wellbeing of other students or staff (including sexual or indecent assault)
  - **Use or possession of a prohibited weapon, firearm or knife.**
    When a student:
~ uses or possesses a weapon which is listed in Schedule 1 of the Weapons Prohibition Act.
~ uses a knife or possesses a knife (without reasonable excuse as defined by the Summary Offences Act)
~ uses or possesses a firearm of any type

- **Possession, supply or use of a suspected illegal substance.**
  This does not include alcohol or tobacco, but does include supplying students with illegal drugs or restricted substances such as prescription drugs.

- **Serious criminal behaviour related to the school**
  Includes malicious damage to property (school or community), or against the property of a fellow student or staff member on, or outside of school premises.

- Subject to the factors outlined in the first dot point, Principals may also impose a long suspension for:
  - **Use of an implement as a weapon.**
    When a student uses an implement to assault or injure another person.
  - **Persistent or serious misbehaviour.**
    Including but not limited to:
    ~ repeated refusal to follow the school discipline code;
    ~ threatening to use a weapon in a way that might seriously interfere with the safety and wellbeing of another person;
    ~ making credible threats against students or staff;
    ~ behaviour that deliberately and persistently interferes with the rights of other students to learn or teachers to teach including bullying, harassment and victimisation.

- In the formal disciplinary interview, the student must be able to have an appropriate observer of their choosing present at the interview.

- The Principal will not impose more than two long suspensions on an individual student in any 12 month period without the approval of the SED.

- If, after 3 long suspensions, the matter has not been resolved, other strategies must be considered including alternate educational placements, expulsion from the school with a recommendation to the Minister that the student not be re-admitted to all or any government schools.
DECIDING ON, NOTIFYING AND RESOLVING A SUSPENSION

- The decision to suspend must be taken by the principal, or in the principal’s absence, the person performing the principal’s role (relieving principal).

- A student will not be sent out of the school before the end of the school day without notification being made to their parents and, if necessary, agreement reached about arrangements for the collection of the child from school.

- Notification of suspension must be made to the parents in writing within 24 hours following immediate verbal notification.

- The principal must convene a suspension resolution meeting of personnel involved in the welfare and guidance of the student, including the parents, to discuss the basis on which the suspension will be resolved.

- If parents are unable or unwilling to attend a suspension resolution meeting, the principal should consider the individual merits of the case and attempt to ensure that the student is back at school on or before the concluding date of the suspension period.

- Where a student is returning from suspension following an incident that involved violence or weapons, the principal must undertake a risk assessment in order to assess whether the return of the student will pose a risk to staff, students or other persons. This should be completed before the final day for resolution of the suspension.

- The student should not be re-admitted to the school until the issues identified in the risk assessment have been addressed. If the issues cannot be addressed before the final day of the suspension, the principal must refer the matter to the school education director who will consider a range of measures to resolve the issues. While this is occurring it may be necessary to impose a second long suspension.

EXPULSION

General Principles

- In serious circumstances of misbehaviour the principal may expel a student of any age from their school. The principal may also expel a student who is over 17 years of age for unsatisfactory participation in learning.

In all cases where expulsion is being considered the principal must:
- notify the student and the parents, in writing, that expulsion from the school is being considered, giving reasons for the possible action
- organise an interpreter or cultural assistance and/or translated documents, or other assistance for disability issues as appropriate, in order to allow parents to participate fully in the process
- obtain and consider a report from the learning support team or school counsellor, as appropriate, that includes recommendations for further action
- provide the parents with a copy of all documentation on which the consideration of expulsion is based
- allow seven school days for students and parents to respond
- consider any response from the student and parents before proceeding further
- discuss with the student and the parents the implications of expulsion and provide information relating to the right to, and process for, an appeal.

Expulsion from a Particular school for Misbehaviour

- When considering expelling a student for misbehaviour, the principal must:
  - ensure, except as a result of a most serious incident, that all appropriate student welfare and discipline strategies have been implemented and documented
  - convene a formal disciplinary interview with the student. Principals must ensure that the student is given explicit information about the nature of the allegation(s) and is given the opportunity to consider and respond to the allegation(s). The student must also be able to have an appropriate observer of their choosing present at the interview. For very young students or students with certain disabilities it may be advisable to have a parent present at the meeting
  - the student on a long suspension pending the outcome of the decision making.

- Having reached a decision to expel a student from the school, the principal will:
  - inform the student and the parents in writing. This formal advice should also restate the right to appeal the decision
  - arrange, within 10 school days, and with support from regional staff, an alternative educational placement appropriate to the needs of the student.

- If a suitable alternative cannot be arranged the principal must refer the issue to the school education director for resolution.
- In the resolution process the school education director may consider a range of options including:
  - directing, with approval from the regional director, the re-admittance of the student to the school, subject to strict disciplinary arrangements as necessary to ensure the safety and welfare of the student, other students and staff
  - placement in an alternative education setting
  - enrolment in TAFE
  - participation in other education or training approved by the Minister
- enrolment in distance education, or
- recommending to the regional director that another school be
directed to enrol the student (subject to any issues that may have
been identified by a risk assessment, having been addressed)

- In the majority of cases, expulsion from a particular school for misbehaviour
will be finalised within the 20 school day period of a long suspension. In the
unlikely event that this cannot be achieved, a second long suspension may be
imposed provided approval is given by the school education director.

- If the student’s behaviour has been so extreme that a suitable alternative
placement cannot be found, the school education director in consultation with
the principal, may forward a submission to the Director-General, through the
regional director and the Deputy Director General (Schools), recommending
to the Minister that the student who has been expelled for misbehaviour not
be re-admitted to all or any government schools.

APPEALS

- Students and parents may appeal if they consider that correct procedures
have not been followed, and/or that an unfair decision has been reached.

- Some students or parents will require assistance in lodging an appeal.
Students or parents requiring assistance should be referred in the first
instance to the regional office. Regional office personnel should identify
appropriate support people for the student or parents if this type of assistance
is requested. Appeals can be made to:
  - **The school education director** about the imposition of a
    suspension or a decision to expel a student from a particular
    school.
  - **The regional director** where a school education director has been
    so involved in a decision to suspend or expel a student from a
    particular school as to prevent him or her, on the grounds of
    procedural fairness, from deciding an appeal.
  - **The regional director** about the decision of a school education
    director to decline an appeal relating to a suspension or an
    expulsion from a particular school.

- The school education director or regional director will:
  - deal with the appeal within 20 school days of its lodgement
  - ensure that communication lines are maintained with the person(s)
    making the appeal and that they are kept aware of the progress of
    the appeal
  - review all relevant material
  - ensure that appropriate material has been made available to the
    student and his or her parents
  - discuss relevant issues with the person(s) making the appeal and
    any other parties, as appropriate
  - advise all the parties of the decision and the specific reasons for
    reaching the decision.
• Where an appeal or a component of an appeal is upheld, the person determining the appeal will decide what further action is to be taken. Further action will be determined by the findings of the appeal.

• The fact that an appeal has been lodged does not put on hold the principal's decision to suspend or suspend prior to expulsion from a particular school.

**NOTE:** In these procedures, the term "parent" or "parents" includes any person or persons having the custody or care or a child.