



# Colo Heights Public School

## Suspension and Expulsion

### Policy Statement

Last revision: 2006

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#### Rationale

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. Suspension and expulsion are the options available in these situations.

#### Applicability

- 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.
- In determining whether a student's misbehaviour is serious enough to warrant suspension, the principal will consider the safety, care and welfare of the student, staff and other students, while taking into account factors such as the age, individual needs, any disability and developmental level of the student.
- In most cases a range of appropriate student welfare and discipline strategies will have been implemented and documented before a suspension is imposed. These strategies may include;
  - appropriate school student welfare strategies and discipline options being applied and documented
  - appropriate support personnel available within the school system and externally being involved
  - discussion with the student and parents or carers regarding specific misbehaviour which the school considers unacceptable and which may lead to suspension
  - developing, in conjunction with the school learning support team or appropriate school or Departmental personnel, a specific behaviour management plan to assist the student to manage inappropriate behaviour
  - providing a formal written caution detailing inappropriate behaviours, as well as clear expectations of what is required of the student in future
  - recording all action taken.
- Students may be suspended immediately for reasons including ensuring the safety of students or staff.
- Students will be suspended immediately, taking into account factors such as the age, individual needs, any disability and developmental level of the student for:
  - physical violence
  - possession of a firearm, prohibited weapon, (as defined by Schedule One of the Weapons Prohibition Act), or knife (without reasonable cause).
  - using, or possessing, a suspected illegal substance (not including alcohol or tobacco) or supplying a restricted substance.

## **Types of Suspension**

### ***Short Suspension***

Short suspensions of up to four school days may be imposed for the following reasons:

- 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; minor criminal behaviour related to the school; use of alcohol or persistent use of tobacco.
- Aggressive Behaviour  
This includes, but is not limited to: hostile behaviour directed towards students, members of staff or other persons, including verbal abuse and abuse transmitted electronically such as by email or SMS text messages.

### ***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, a long suspension of up to and including twenty school days may be imposed for the following reasons:

- Physical violence which results in pain or injury, or which seriously interferes with the safety and well being of other students and staff.
- Use or possession of a prohibited weapon, firearm or knife: When the student uses or possesses a weapon which is listed in Schedule One of the Weapons Prohibition Act; the student uses a knife or possesses a knife (without reasonable cause); the student uses or possesses a firearm of any type.
- Possession or use of a suspected illegal substance: Not including alcohol or tobacco, but including supplying other students with illegal drugs or restricted substances such as prescription drugs.
- Use of an implement as a weapon or threatening to use a weapon. When any item is used as a weapon (other than in dot point 2 above), in a way which seriously interferes with the safety and well being of another person. This includes an offensive implement which is anything made, or adapted to cause injury to a person.
- Serious criminal behaviour related to the school: Including malicious damage to property (school or community), or against the property or person of a fellow student or staff member on, or outside of the school premises. If the incident occurred outside the school or outside school hours, there must be a clear and close relationship between the incident and the school.
- Persistent misbehaviour: Including repeated refusal to follow the school discipline code; making serious threats against students or staff; behaviour that deliberately and persistently interferes with the rights of other students to learn or teachers to teach.

### ***Other Actions***

If, after two long suspensions, the matter has not been resolved other strategies must be considered including alternative educational placements, expulsion from the school or expulsion from the school with a recommendation to the Minister that the student not be re-admitted to any or all government schools.

## **Deciding on, Notifying and Resolving a Suspension**

### ***Decision***

- 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).
- The principal should inform the student of the precise grounds on which suspension is being considered. The student must be given the opportunity to consider and respond to this information. The student's response must be considered before a decision to suspend is made. Where long suspension is being considered, the student must be able to have an appropriate observer of their choosing present at the formal disciplinary interview.

## **Notification**

- A student will not be sent out of the school before the end of the school day without notification being made to their parents or carers and, if necessary, agreement reached about arrangements for the collection of the child from school.
- Notification of suspension must be made to the parents or carers in writing within 24 hours following immediate verbal notification. Reasonable steps must be taken to ensure that the notification is delivered, if necessary in an alternative form.
- In all cases, the notification must include:
  - notice of the suspension
  - the date and probable duration of the suspension
  - the category and specific reasons for the suspension
  - the clear expectation that the student will continue with studies while suspended and, in the case of a long suspension that a study program will be provided
  - the importance of parents' or carers' assistance in resolving the matter
  - parents' or carers' responsibility for the care and safety of the student while under suspension, and the clear expectation that the student should not be on school grounds without the permission of the principal
  - information concerning appeal rights and other appropriate government or community agencies available to provide assistance where necessary.
- At the time of the suspension or expulsion notification parents and carers will be provided with a copy of the DET's suspension and expulsion policy, the school discipline code, and information about appeal rights.

## **Resolution**

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

## **Expulsion**

In serious circumstances of misbehaviour the principal may expel a student of any age from the school. The principal may also expel a student of post compulsory school age for unsatisfactory participation in learning.

## **Appeals**

Students, parents or carers may appeal if they consider that correct procedures have not been followed, or that an unfair decision has been reached. These appeals should be in writing, stating the grounds on which the appeal is being made. If assistance is required to lodge an appeal regional office should be contacted.

Appeals can be made to the following officers:

- The school education director.
- 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.

## **Related documents**

- [Good Discipline and Effective Learning: Ministerial Statement](#)
- [Student Welfare Policy](#)
- [Guidelines for Managing Drug Related Incidents in Schools](#)
- [Occupational Health and Safety Policy](#)
- [Guidelines for the Safe Conduct of Sport and Physical Activity](#)
- [Protecting and Supporting Children and Young People: Revised Procedures, December 2000](#)
- [Responding to Allegations against Employees in the Area of Child Protection](#)

- Responding to Suggestions, Complaints and Allegations
- Legal Issues Bulletins 2 - Possession of knives and other offensive weapons on or near Departmental premises
- Legal Issues Bulletins 3 - Procedural fairness in the Department of Education and Training
- Legal Issues Bulletins 5 - Student discipline in Government Schools
- Legal Issues Bulletins 6 - Protection of students and staff in schools and Institutes from violent behaviour
- Legal Issues Bulletins 9 - Physical restraint of students
- Legal Issues Bulletins 13 - Interviews of students and staff by police and officers from DoCS in schools and TAFE NSW Institutes
- Legal Issues Bulletins 16 - Conducting searches in schools and TAFE NSW
- Legal Issues Bulletins 22 - Possession of knives and power of search - update
- Legal Issues Bulletins 28 - Collection, use and disclosure of information about students with a history of violence.
- Legal Issues Bulletins 31 - Unauthorised Entry onto Departmental Premises – Update
- Suspension and Expulsion of School Students - Procedures - Abridged Version

## **Appendix A – Relevant Forms**

- Appeal Against Suspension or Expulsion Form
- Suspension, Considering Expulsion Notification
- Letter 1 - Short Suspension  
This letter is available in a number of languages at the following link: [Translated Documents](#)
- Letter 2 - Long Suspension  
This letter is available in a number of languages at the following link: [Translated Documents](#)
- Letter 3 - Unsatisfactory Participation  
This letter is available in a number of languages at the following link: [Translated Documents](#)
- Letter 4 - Expulsion for Misbehaviour - Initial Advice  
This letter is available in a number of languages at the following link: [Translated Documents](#)
- Letter 5 - Expulsion - Unsatisfactory Participation - Initial Advice  
This letter is available in a number of languages at the following link: [Translated Documents](#)
- Letter 6 - Expulsion for Misbehaviour - Decision  
This letter is available in a number of languages at the following link: [Translated Documents](#)
- Letter 7 - Expulsion for Unsatisfactory Participation - Decision  
This letter is available in a number of languages at the following link: [Translated Documents](#)
- School Counsellor Report