



Education &  
Communities

*Public Schools NSW*

# **Suspension and Expulsion of School Students – Procedures 2011**

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Student Discipline in Government Schools  
PD 2006 0316

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**Suspension and Expulsion of School Students Procedures – 2011**  
**NSW Department of Education and Communities**

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## 1. Abstract

These procedures set out requirements for the suspension and expulsion of school students from NSW government schools (excluding pre-schools).

## 2. Applicability

These procedures apply to all schools (excluding pre-schools). Residential schools such as agricultural high schools and juvenile justice settings are subject to additional specific protocols.

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

## 3. Superseded documents

*Suspension and Expulsion of School Students - Procedures (2007)*, PD/2006/0316.

## 4. Context

- 4.1. All students and staff have the right to be treated fairly and with dignity in an environment free from disruption, intimidation, harassment and discrimination. To achieve this, all schools will maintain high standards of student behaviour.
- 4.2. 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 to the principal in these situations. In such cases of unacceptable behaviour, parents should not be asked to keep students at home without the formal imposition of a suspension unless this is for the remainder of a school day as part of an approved program for personalised learning and support.
- 4.3. Collaboration between school staff, students and parents is an important feature of discipline in government schools. All should be fully aware of the suspension and expulsion procedures and their place in the context of that school's student welfare and discipline policies.
- 4.4. In implementing these procedures, the principal must ensure that no student is discriminated against on any of the following grounds.
  - Race, including colour, nationality, descent, and ethnic, ethno-religious or national origin.
  - Sex.
  - Marital status.
  - Disability, including HIV/AIDS.
  - Homosexuality.
  - Transgender.
  - Age.
- 4.5. 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.

- 4.6. When dealing with a student with a disability consideration must be given to the requirements of the *Commonwealth Disability Discrimination Act 1992*, the *Disability Standards for Education 2005* and the *NSW Anti-Discrimination Act 1977*. These require, among other things, that reasonable adjustments are provided to support students with a disability to access and participate in education on the same basis as other students.
- 4.7. The principal must ensure that records are made and retained of any action taken in relation to the implementation of these procedures.

## 5. Policy statement

- 5.1. 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. It is most effective when it highlights the parents' responsibility for taking an active role, in partnership with the school, to modify the inappropriate behaviour of their child. The school and the government school system will work with parents with a view to assisting a suspended student to re-join the school community as quickly as possible.
- 5.2. Suspension also allows time for school personnel to plan appropriate support for the student to assist with successful re-entry. This may include access to appropriate support staff such as an Aboriginal community liaison officer or learning and support teacher. In some cases suspension from school allows the school and government school system time to put measures in place to ensure the safety of students and staff. For the majority of students, suspension allows time for the student to reflect on their behaviour, to acknowledge and accept responsibility for the behaviours which led to the suspension, and to accept responsibility for changing their behaviour to meet the school's expectations in the future.
- 5.3. Principals have authority, consistent with the provisions of these procedures and associated documents, to suspend or expel a student from their own school. They will exercise this authority having regard to their responsibilities to the whole school community and to the principles of procedural fairness.
- 5.4. The principles of procedural fairness are fundamental to the implementation of these procedures. Procedural fairness is generally recognised as having two essential elements. These are the right:
- to be heard, and
  - the right of a person to a fair and impartial decision.
- 5.5. In matters involving child protection issues, principals should refer to the [\*Protecting and Supporting Children and Young People Policy\*](#) and be guided by advice provided by Family and Community Services, the Joint Investigation Response Team or the NSW Police Force. Assistance is available from the Child Wellbeing Unit and Directors, Public Schools NSW.
- 5.6. While a number of policies may apply to the circumstances or behaviour being considered in the context of a suspension or expulsion, the *Suspension and Expulsion of School Students – Procedures* take precedence.
- 5.7. 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. They can also apply outside of school hours and off school premises where there is a clear and close connection between the school and the conduct of students. These include the use by a student of social networking sites, mobile phones and/or other technology to threaten, bully or harass another student or a departmental staff member for school related issues.

- 5.8.** Where a serious disciplinary matter arises and the principal is considering suspension or expulsion of a student, the action should be taken irrespective of any action which may be taken by another agency, including the NSW Police Force. Where the NSW Police Force is involved in a case where the principal is considering suspension or expulsion, principals should liaise with the Incident Report and Support Hotline on 1800 811 523 to ensure any potential police investigation is not compromised. <https://education.nsw.gov.au/inside-the-department/health-and-safety/emergency-planning-and-incident-response/incident-support>
- 5.9.** Principals acting in accordance with established policy and procedures are acting with the authority of the Department of Education and Communities and will be strongly supported.
- 5.10.** If the behaviour that has resulted in consideration being given to the suspension or expulsion of a student may represent a risk to the student himself or herself, other students or staff (for example the incident relates to violent behaviour), the principal must ensure that steps are taken to assess that risk and develop any strategies consistent with departmental policies. This process should be commenced at the same time that any disciplinary action commences.
- 5.11.** Principals must consider whether the incident gives rise to a requirement to make a mandatory report to the Child Protection Helpline (Phone: 132 111) or contact made with the Child Wellbeing Unit (Phone: 02 9269 9400).

## **6. Suspension**

### **6.1. General principles**

- 6.1.1** 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. Refer to 4.4, 4.5 and 4.6 for other factors that must be considered.
- 6.1.2** Before a suspension is imposed, with the exception of the cases outlined in 6.1.4 or other serious instances of misbehaviour that impact on the safety or welfare of students or staff, the principal will:
- ensure that appropriate personalised learning and support strategies and discipline options have been applied and documented
  - ensure that appropriate support personnel available within the school system and externally have been involved
  - ensure that discussion has occurred with the student and parents regarding specific misbehaviour which the school considers unacceptable and which may lead to suspension
  - develop, in conjunction with the school learning support team or appropriate school or departmental personnel, specific personalised learning and support to assist the student to manage inappropriate behaviour

- provide a formal written caution detailing inappropriate behaviours, as well as clear expectations of what is required of the student in future, and
  - record all action taken.
- 6.1.3 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 or staff.
- 6.1.4 With consideration having been given to the factors outlined in 4.4, 4.5 and 4.6, principals must suspend immediately and consistently with these procedures (including procedural fairness) any student who:
- **is physically violent:** Any student who is physically violent, resulting in injury, or whose violent behaviour seriously interferes with the safety and wellbeing of others, is to be suspended immediately. The matter must also be reported to the School Safety and Response hotline on 1300 363 778 where advice will be provided on managing and reporting the incident.
  - **is in possession of a firearm, prohibited weapon, (as defined by Schedule One of the Weapons Prohibition Act), or knife (without reasonable cause):** Any student in possession of a prohibited weapon, firearm or a knife (without reasonable cause), is to be suspended immediately. The matter must be reported to the NSW Police Force immediately and the School Safety and Response hotline on 1300 363 778.
  - **uses, supplies, or is in possession of, a suspected illegal substance (not including alcohol or tobacco) or supplies a restricted substance:** The Government firmly believes that schools must be places which are free of illegal drugs. Suspension is to occur immediately if the substance is being represented by the student as an illegal substance, or on confirmation that the substance is, in fact, illegal. Students who assist other students to obtain illegal substances or supply restricted substances, such as prescription drugs, are also to be suspended.

**Note:**

Generally, either a student will admit the substance is illegal or police will advise the principal that is the case. In some instances it may not be appropriate to place a student on suspension until the substance is formally identified (e.g. the student claims the substance is not illegal and did not represent it to be so). If this occurs, arrangements are in place with the NSW Police Force for the substance to be sent for priority analysis, generally within 48 hours of the substance being handed to the police. The cost of priority analysis will be met by the Department of Education and Communities.

The NSW Police Force will hold the substance pending any legal action. Schools should contact their Director, Public Schools New South Wales who will endorse the request and forward it to Safety

and Security Directorate. Refer to [Managing Drug Related Incidents Procedures](#) for additional information.

- **engages in serious criminal behaviour related to the school:**  
The matter must be reported to the NSW Police Force immediately and the School Safety and Response hotline on 1300 363 778.

6.1.5 Students attending special programs such as those offered by tutorial centres, suspension centres, behaviour schools and hospital schools that may involve attending their home school for part of the week are not automatically precluded from attending the special program if they are suspended from their home school and vice versa. This is subject to negotiation between the principal of the home school and the principal supervising the special program. This negotiation should occur before the student is next due to attend the other locality. Subject to safety considerations, it is a priority to have the student back at school and engaged in learning as soon as possible.

6.1.6 Schools should ensure that in meetings with school personnel, where communication difficulties arise due to a lack of understanding of English, parents have access to the use of an on-site or telephone interpreter and receive translated letters notifying of suspension or expulsion. Consideration may also need to be given to cultural issues and the intellectual capacity of the parent to understand what is occurring and what is being said.

For details on arranging an on-site or telephone interpreter, call 131450 or click on the [translated documents link](#).

6.1.7 Should parents require a support person in order to participate fully in the suspension or expulsion process, including suspension resolution meetings, a person acceptable to both the parents and the principal may be involved, e.g. a member of the local Aboriginal Education Consultative Group or an interagency support worker. Consideration must be given to any adjustment that may be required for a parent with a disability to participate in the meeting. The responsibility for organising a support person rests with the student or parents. Parents may be referred to their local Department of Education and Communities, learning and engagement officer if they require assistance.

## 6.2. Short suspension

6.2.1 In circumstances where measures detailed in 6.1.2 above have been unsuccessful in resolving the inappropriate behaviour or the circumstances in 6.1.3 apply, the principal may choose to impose a short suspension of up to and including four school days. Short suspensions may be imposed for the following reasons 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, Facebook, Twitter, SMS text messages or by other electronic means.

Where the behaviour involves cyberbullying the school's anti-bullying programs are to be implemented. Advice should be sought from the School Safety and Response Hotline on 1300 363 778 as to whether the police should be informed.

- 6.2.2 A formal disciplinary interview must be held with the student prior to making the decision to impose a short suspension. 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 key features of the interview must be taken down in writing. For very young children and students with certain disabilities it may be advisable to have a parent present during the interview.
- 6.2.3 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, local Department of Education and Communities staff and other available resources in seeking a means of assisting the student to modify his or her behaviour. The use of such resources should be discussed in the suspension resolution meeting. The school learning support team and school counsellor should be notified of the suspension.
- 6.2.4 If learning and support strategies and short suspensions have failed to resolve the issue of inappropriate behaviour, strategies such as further short suspensions, a longer suspension or alternative educational programs must be considered. Each case will be different and the action needs to be appropriate to the individual circumstances of the case. Alternative educational programs which could be considered for the student should be discussed with the learning and engagement officer. Any such programs must have been approved in accordance with departmental policy.
- 6.2.5 If the principal decides to impose more than two short suspensions on a student in any twelve month period, the Director, Public Schools NSW must be advised.
- 6.2.6 The principal must ensure that the suspension is recorded in ERN and that all relevant documentation is retained on a file at the school. All documentation must be made available to the Director, Public Schools NSW on request.



### 6.3. Long Suspension

- 6.3.1 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:
- the safety of students and staff
  - the merit and circumstances of the particular case
  - factors such as the age, individual needs, any disability and developmental level of students.

- 6.3.2 Subject to factors outlined in 6.3.1 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 and staff (including sexual or indecent assault).
- **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. Prohibited weapons include laser pointers, or similar articles with a power output of more than one milliwatt. Prohibited Weapons do not include harmless children's toys such as plastic imitation guns that are clearly intended to be toys;
  - uses a knife or possesses a knife (without reasonable excuse\* as defined by the Summary Offences Act 1988);
  - uses or possesses a firearm of any type (including live ammunition and replica firearms).

\* Note – "reasonable excuse" includes ceremonial Kirpans carried by Sikhs for religious purposes.

- **possession, supply or use of a suspected illegal substance:** This does not include alcohol or tobacco, but does include supplying other students with illegal drugs or restricted substances such as prescription drugs.
- **serious criminal behaviour related to the school:** This includes malicious damage to property (school or community), or against the property 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.

Subject to factors outlined in 6.3.1, principals may also impose a long suspension for:

- **use of an implement as a weapon.** When a student uses an implement as a weapon to assault or injure another person (including use of an offensive implement, which is any implement made or adapted to cause injury to another person).

- **persistent or serious misbehaviour.** This includes, but is 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.

**Note:** Incidents involving the behaviours set out above (with the exception of repeated refusal to follow the school discipline code) must be reported to the School Safety and Response Hotline on 1300 363 778 as soon as possible.

- 6.3.3 The Director, Public Schools NSW must be advised of the suspension, including its probable duration within two school days of the suspension being imposed.
- 6.3.4 In cases where consideration is being given to imposing a long suspension from the school, the gravity of the circumstances require that particular emphasis be given to procedural fairness issues.
- 6.3.5 A formal disciplinary interview must be held with the student prior to making the decision to suspend. Principals should 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 and students with certain disabilities it is advisable to have a parent present at the meeting. The key features of the interview should be taken down in writing. A work program should be provided for the duration of the suspension.
- 6.3.6 The principal should utilise school, local Department of Education and Communities staff and other available resources in seeking a means of returning the student to school following the suspension. The aim is to minimise the number of days each student is suspended. The school counsellor must be informed of the suspension and complete a report for the advice of the principal. This report is to be retained on the student counselling file. Advice may also be sought from the school learning support team about the management of the student's ongoing personalised learning and welfare needs and the need to develop any strategies to assess and manage any risk posed by the student's behaviour including a risk to the student himself or herself.
- 6.3.7 A suspension resolution meeting must be convened by the principal at the earliest opportunity. The expectation is that students should be returned to school at the earliest opportunity. The school counsellor report and any advice from the school learning support team should be considered in resolving the suspension.

- 6.3.8 The principal will not impose any more than two long suspensions on an individual student in any twelve month period without the approval of the Director, Public Schools NSW.
- 6.3.9 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 all or any government schools. Alternative educational placements which could be considered for the student should be discussed with the Director, Public Schools NSW or nominee. Where violent behaviour is involved a direction on enrolment under Part 5A of the *Education Act (1990)* may also be an option where a risk assessment indicates the student cannot be safely accommodated at the school selected by his or her parents.
- 6.3.10 The principal must ensure that the suspension is recorded in ERN and that all relevant documentation is retained on a file at the school. All documentation must be made available to the Director, Public Schools NSW on request.

## **7. Deciding on, notifying and resolving a suspension**

The following steps apply to both short and long suspensions.

### **7.1. Decision**

- 7.1.1 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).
- 7.1.2 The principal should convene a meeting during which the student is informed 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.

### **7.2. Notification**

- 7.2.1 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. The principal must ensure that adequate supervision is provided for that student at school until those arrangements are made.
- 7.2.2 Notification of suspension must be made to the parents 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. This may apply when parents have difficulty reading or understanding English due to cultural factors and/or disability. Suspension notification letters are available in a number of languages (see appendices 6 & 7).

Where there are difficulties contacting parents or providing notification, departmental support staff such as the Aboriginal community liaison officer may be able to assist.

- 7.2.3 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 cooperatively working with the school in resolving the matter
  - parents 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 prior permission of the principal
  - information concerning appeal rights and other appropriate government or community agencies available to provide assistance where necessary.
- 7.2.4 When a student is subject to special transport arrangements, the provider of the transport should be notified of the suspension by the principal following notification to the parents.
- 7.2.5 At the time of the suspension or expulsion notification, parents must be provided with the abridged version of this document (see Appendix 16), as well as the school's discipline code and information about appeal rights.
- 7.2.6 If consideration is being given to proceeding to expulsion from the school, or expulsion from the school with a recommendation to the Minister that the student not be re-admitted to all or any government schools, the initial notification of suspension or formal warning should make this intention clear.

### **7.3. Resolution**

- 7.3.1 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.
- 7.3.2 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 it is not possible to resolve a suspension by the due date, the Director, Public Schools NSW must be notified and alternative steps taken by the principal, in consultation with the Director, Public Schools NSW, to resolve the suspension and facilitate the student's return to school. Clear

documentation should be provided to the Director, Public Schools NSW indicating why the suspension cannot be resolved.

- 7.3.3 If a student does not have a parent who can attend a suspension resolution meeting, the principal should ensure that the student is fully informed about the resolution meeting and encourage the student to nominate a support person to be present.
- 7.3.4 In the case of a long suspension, a suspension resolution meeting must be convened at the earliest opportunity. The recommendations of the school counsellor and any recommendations from the school learning support team should be discussed. Referral to the school counsellor must be considered if this has not already occurred.
- 7.3.5 The principal must ensure that the suspension is recorded in ERN and that all relevant documentation is retained on file at the school. All documents must be made available to the Director, Public Schools NSW on request.
- 7.3.6 A full record should be made of the outcomes of the suspension resolution meeting. This should be retained on a file at the school. A copy should be provided to the student and the parents.
- 7.3.7 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.
- 7.3.8 The student should not be re-admitted to the school until the issues identified in the risk assessment have been addressed. See the Department's website address:  
<https://education.nsw.gov.au/inside-the-department/health-and-safety/risk-management/student-safety>

If the issues cannot be addressed before the final day of the suspension, the principal must refer the matter to the Director, Public Schools NSW 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.

If the student's behaviour is violent, reference can be made to the Department's *Guidelines for the Management of Health and Safety Risks to Schools Posed by a Student's Violent Behaviour* at:  
<https://education.nsw.gov.au/policy-library/related-documents/mhsguidelines.pdf>

## 8. Expulsion

### 8.1. General principles

- 8.1.1 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.

- 8.1.2 Students expelled from a particular school for misbehaviour may not re-enrol in that school without the approval of the Executive Director, Public Schools NSW.
- 8.1.3 In all cases where consideration is being given to expelling a student, the gravity of the circumstances requires that particular emphasis be given to procedural fairness.

## **8.2. Expulsion from a particular school for misbehaviour**

- 8.2.1 When considering expelling a student for misbehaviour, the principal must:
- ensure, except as a result of a most serious incident, that all appropriate learning and support 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 young children and children with certain disabilities it may be advisable to have a parent present at the meeting. The key features of the interview should be taken down in writing
  - place the student on a long suspension pending the outcome of the decision making process (refer to sections 6 and 7). This action should be taken irrespective of any action by another agency, including the NSW Police Force
  - notify the student and the parents, in writing, that expulsion from the school is being considered, giving reasons for the possible action
  - obtain and consider a school counsellor report 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 (if the expulsion were to proceed). This could be done by telephone or in a meeting.
- 8.2.2 If, having completed the actions outlined above, the principal decides to expel a student from the school, the principal must advise the Director, Public Schools NSW prior to providing formal notification to the student and the parents.
- 8.2.3 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 ten school days, with support from local Department of Education and Communities staff, an alternative educational placement appropriate to the needs of the student. In some cases it may be necessary to conduct an assessment of the risk posed by the student's violent behaviour in order to identify a placement where they can access the curriculum while being safely accommodated. The *Guidelines for the Management of Health and Safety Risks Posed to Schools by a Student's Violent Behaviour* and; the *Work Health and Safety Policy* and associated documents provide guidance in these circumstances.
- 8.2.4 If a suitable alternative cannot be arranged, the principal must refer the issue to the Director, Public Schools NSW for resolution.
- 8.2.5 In the resolution process, the Director, Public Schools NSW may consider a range of options including:
  - directing, with approval from the Executive Director, Public Schools NSW 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 Executive Director, Public Schools NSW 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).
- 8.2.6 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 Director, Public Schools NSW and all the requirements for notification and documentation are fulfilled.
- 8.2.7 If the student's behaviour has been so extreme that a suitable alternative placement cannot be found, the Director, Public Schools NSW in consultation with the principal, may forward a submission to the Secretary, Department of Education and Communities through the Executive Director, Public Schools NSW and the Deputy Secretary, Department of Education and Communities recommending to the Minister that the student who has been expelled for misbehaviour not be re-admitted to all or any government schools.

### **8.3. Submission not to re-admit a student to all or any Government schools**

- 8.3.1 A submission may be forwarded to the Secretary, Department of Education and Communities, through the Executive Director, Public Schools NSW and Deputy Secretary, Department of Education and Communities, recommending to the Minister that a student expelled



for misbehaviour not be re-admitted to all or any government schools by:

- the principal in extreme circumstances of misbehaviour. The principal will initially forward the submission to the Director, Public Schools NSW
- a Director, Public Schools NSW in consultation with the principal where the expulsion of a student for misbehaviour has been referred to the Director, Public Schools NSW for resolution, as in 8.2.4 above, and the behaviour of the student is so extreme that it is not possible to find a suitable placement.

8.3.2 In these circumstances, the:

- principal must ensure, where possible, that all actions applying to long suspension and expulsion occur (refer to sections 6 and 7).
- Director, Public Schools NSW must forward the submission to the Secretary, Department of Education and Communities, through the Executive Director, Public Schools NSW, detailing the reasons, the action taken to moderate the student's behaviour, the school counsellor's report, a copy of all required documentation and any responses from the student or, parents.

#### **8.4. Expulsion from a particular school of a student over 17 years of age for unsatisfactory participation in learning**

8.4.1 This will generally be where a student has failed to apply themselves with diligence and sustained effort to set tasks and experiences and the lack of application is impacting on the good order of the school and learning of other students.

8.4.2 Prior to giving consideration to expulsion the student must receive at least one formal written warning that such action is being contemplated. A program of improvement should be developed in conjunction with the student to assist them to improve their participation in learning. The student must also be provided with a reasonable period in which to demonstrate improvement.

8.4.3 When considering expulsion in these circumstances, the principal will:

- notify the student and the parents, in writing, that expulsion from the school is being considered, giving reasons for the possible action. There is no necessity to place the student on long suspension pending the decision making process in these circumstances
- 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 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 parents the implications of expulsion and provide information relating to the right to, and process for, an appeal (if the expulsion were to proceed). This could be done by telephone or in a meeting.
- 8.4.4 If, having completed the action outlined above, the principal decides to expel a student from the school, the principal must advise the Director, Public Schools NSW prior to providing formal notification to the student and the parents.
- 8.4.5 Having reached the decision to expel the 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.
- 8.4.6 The arrangement of an alternative placement is the responsibility of the student and the student's parents. If a suitable alternative cannot be arranged, it is not necessary in these cases for the principal to re-admit the student, recommend that the student not be re-admitted to any or all government schools or refer the issue to the Director, Public Schools NSW. Advice for students and parents in these circumstances is available from their local Department of Education and Communities office.

## 9. Reviews

- 9.1. A Director, Public Schools NSW or Executive Director, Public Schools NSW may review any aspect of the implementation of these procedures at any time.
- 9.2. A review will usually be generated through systemic monitoring or trend analysis. It will not be instigated by a parent or student complaint. In these cases, appeal is the appropriate mechanism.

## 10. Appeals

- 10.1. Students and parents may appeal if they consider that correct procedures have not been followed, and/or that an unfair decision has been reached.
- 10.2. Appeals should be in writing, stating the grounds on which the appeal is being made.
- 10.3. Some students or parents will require assistance in lodging an appeal. Students or parents requiring assistance should be referred in the first instance to their local Department of Education and Communities office. Local Department of Education and Communities personnel should identify appropriate support people for the student or parents if this type of assistance is requested. The nominated support person should assist the parents to understand their right to, and the process for, appeal. They should ensure that the appellant has access to the appropriate form and has assistance to complete it, if necessary.
- 10.4. Appeals can be made to:
  - 1. **The Director, Public Schools NSW** about the imposition of a suspension or a decision to expel a student from a particular school. The Director, Public Schools NSW may delegate the management of an appeal to an appropriate officer such as the learning and engagement officer. In all

cases, however, the Director, Public Schools NSW must make the determination.

2. **The Executive Director, Public Schools NSW** where a Director, Public Schools NSW 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. In these cases, the Executive Director, Public Schools NSW may ask another Director, Public Schools NSW to deal with the appeal.
3. **The Executive Director, Public Schools NSW** about the decision of a Director, Public Schools NSW to decline an appeal relating to a suspension or an expulsion from a particular school as in 10.4 (1) above. The Executive Director, Public Schools NSW may delegate the management of the appeal to another suitable officer. In all cases, however, the Executive Director, Public Schools NSW must make the determination.

**10.5.** The Director, Public Schools NSW or the Executive Director, Public Schools NSW 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.

**10.6.** 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, but will normally include systems improvement to school processes to ensure the requirements of the procedures are appropriately implemented in the future, or an annotation to the school's record of suspension and the student's record indicating the findings of the appeal.

**10.7.** 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.

## **11. Responsibilities and delegations**

### **11.1 Responsibilities**

- 11.1.1 Principals must ensure these procedures are readily accessible to all employees.

## 11.2 Delegations

- 11.2.1 Under s.119 of the [Education Act 1990](#), the Minister and the Secretary, Department of Education and Communities may delegate to any person or body the exercise of any of their respective function under the Act.
- 11.2.2 Principals have the delegated authority to suspend or expel a student from their school.
- 11.2.3 Only the Minister may refuse admission of a student who has been expelled from a particular school for misbehaviour from all or any government schools on the recommendation of the Secretary, Department of Education and Communities.

## 12. The legislative base for suspension and expulsion from school

The [Education Act 1990](#) allows the Minister to control and regulate student discipline in government schools. This is outlined in s.35 (1).

### 12.1 Suspension

The provisions allow for suspension from government schools.

- Under s.35 (3) the Secretary Department of Education and Communities may suspend any student from a government school.

### 12.2 Expulsion

The provisions allow for expulsion from a particular government school.

- Under s.34 (4) (a) the Minister may refuse the admission of a child to all or any government schools if the child has been expelled from any government school.
- Under s.34 (4) (b) the Minister may refuse admission of a child to all or any government schools if the Minister is of the opinion that there is other sufficient reason to do so.
- Under s.35 (5) the Secretary Department of Education and Communities may, with the consent of the student's parents, arrange for a student who has been expelled from a government school to be admitted to and attend another government school (unless the child is refused admission under section 34 (4) or to participate in a program referred to in subsection (4)).

## 13. Monitoring and reporting requirements

- 13.1 Principals must ensure that the suspension is recorded in ERN and that all relevant documentation is retained on a file at the school.
- 13.2 Executive Directors, Public Schools NSW will complete an annual report on suspension trend data.

## 14. Associated documents

While this document is the primary source document for procedures on suspension and expulsion, it should be interpreted in the context of some overarching policy statements. Additionally, certain elements of this document are informed by, or

elaborated on, in associated policy-related documents. The overarching policy statements are:

- [Student Discipline in Government Schools \(2006\)](#). This policy provides an overview of the government's expectations for learning environments and discipline in the NSW public school system. It outlines the requirements for individual school discipline policies.
- [Student Welfare Policy \(1996\)](#). This policy contains sections on effective learning and teaching, positive climate and good discipline, community participation and responsibilities of school personnel, local Department of Education and Communities office and state office staff.

The associated policy-related documents are:

- [Complaints Handling Policy](#) and associated *Complaints handling guidelines*. They do not apply to appeals against suspension and expulsion.
- [The Drugs in Schools Policy](#) sets out requirements for schools to plan and implement appropriate responses to drug related incidents, with an emphasis on prevention through drug education and safe and supportive school environments, and intervention and support for students who may be involved.
- [Work Health and Safety \(WHS\) Policy](#) and associated documents sets out work health and safety requirements and the Department's commitment to the health and safety of everyone in its workplaces.
- [Protecting and Supporting Children and Young People Policy](#) sets out roles and responsibilities of staff in relation to child protection including training, reporting on safety, and supporting children and young people, as well as monitoring, evaluation and reporting requirements.

From time to time, legal advice relating to suspension and expulsion will be published in [Legal Issues Bulletins](#).

## 15. For further information

Leader, Behaviour Services on telephone (02) 7814 3809.

## Appendices

The following appendices are available for download as individual documents by clicking on the links below. The downloadable form letters are locked with drop down options for the suspension categories.

Copies of these appendices are included in the following pages.

### **Appendix 4**

[Appeal against suspension or expulsion form](#)

### **Appendix 5**

[Notification of suspension, considering expulsion form](#)

### **Appendix 6**

[Letter 1 – Short suspension](#)

This letter is available in a number of languages at the following link:

[Translated documents](#)

### **Appendix 7**

[Letter 2 – Long suspension](#)

This letter is available in a number of languages at the following link:

[Translated documents](#)

### **Appendix 8**

[Letter 3 – Unsatisfactory participation](#)

This letter is available in a number of languages at the following link:

[Translated documents](#)

### **Appendix 9**

[Letter 4 – Expulsion for misbehaviour – Initial advice](#)

This letter is available in a number of languages at the following link:

[Translated documents](#)

### **Appendix 10**

[Letter 5 – Expulsion – Unsatisfactory participation – Initial advice](#)

This letter is available in a number of languages at the following link:

[Translated documents](#)

### **Appendix 11**

[Letter 6 – Expulsion for misbehaviour – Decision](#)

This letter is available in a number of languages at the following link:

[Translated documents](#)

**Appendix 12**

[Letter 7 – Expulsion for unsatisfactory participation – Decision](#)

This letter is available in a number of languages at the following link:

[Translated documents](#)

**Appendix 13**

[School counsellor suspension report](#)

**Appendix 14**

[Formal caution](#)

**Appendix 15**

[Weapons Prohibition Act 1998 – Schedule 1](#)

**Appendix 16**

[Suspension and Expulsion of School Students Procedures – Information for parents](#)



## Appendix 1                      Definition and terms

### **Suspension**

Suspension is removal of a student from a school for a period of time determined by the principal. Suspensions are imposed in cases of unacceptable behaviour in the interest of the student and/or the school community. Parents are responsible for the supervision, care and wellbeing of students while they are suspended. A student may not enrol in, or transfer to, another government school whilst suspended from a government school.

Students attending special programs such as those offered by tutorial centres, behaviour schools and hospital schools that may involve attending their home school for part of the week may not be precluded from attending the special program if they are suspended from their home school. This is subject to negotiation between the principal of the home school and the principal supervising the special program.

### **Short suspension**

Short suspension is temporary removal of a student from a school following a decision by the school principal or relieving principal for a period not exceeding four school days.

### **Long suspension**

Long suspension is temporary removal of a student from a school following a decision by the school principal or relieving principal for a period not exceeding 20 school days. Long suspensions are only imposed for serious or sustained instances of misbehaviour.

### **Expulsion**

Expulsion is permanent removal of a student from a school. The Minister may refuse the admission of a student to all or any government schools if the student has been expelled from any government school. This will usually be as the result of a most serious incident. The student may not then re-enrol in a government school without the approval or direction of the Minister.

### **Expulsion from a particular school for misbehaviour**

Expulsion of a student of any age from a particular school only for reasons of misbehaviour. The student may not then re-enrol in that school without the approval of the Executive Director, Public Schools NSW.

### **Expulsion from a particular school for unsatisfactory participation**

Expulsion of a student over 17 years of age from a particular school only. This will generally be where a student has failed to apply themselves with diligence and sustained effort to set tasks and experiences and the lack of application is impacting on the good order of the school and learning of other students.

Any re-enrolment in the school at a later date is at the discretion of the principal.

### **Prohibited weapon**

Weapons that are listed on Schedule One of the *Weapons Prohibition Act (1998)*. See Appendix 15.

### **Restricted substance**

Any substance specified in Schedule Four of the Poisons List. These are substances which in the public interest should be supplied only upon the written prescription of a medical practitioner, nurse practitioner, dentist or veterinary surgeon.

**Learning support team**

A learning support team is a whole school planning and support mechanism. It is formed with the purpose of addressing the learning and behavioural needs of students through the co-ordination, development, implementation, monitoring and evaluation of educational programs. The learning support team should include the Aboriginal Education Officer where one has been allocated to the school.

## Appendix 2                      Procedural fairness

Procedural fairness is a basic right of all individuals dealing with public authorities. All individuals have a legitimate expectation that Department of Education and Communities officers will follow these principles when decisions are made affecting their rights, interests or legitimate expectations. This includes when dealing with suspensions and expulsions.

Procedural fairness is generally recognised as having two essential elements.

- **The right to be heard** which includes the right:
  - to know why the action is happening
  - to know the way in which the issues will be determined
  - to know the allegations in the matter and any other information which will be taken into account
  - of the person against whom the allegations have been made to respond to the allegations.
- **The right of a person to an impartial decision** which includes the right to:
  - impartiality in the investigation and decision making phases
  - an absence of bias by the decision maker.

Though the right to appeal is not necessarily an essential element of procedural fairness, it is considered appropriate to incorporate such rights in respect of suspensions and expulsions from government schools.

As part of ensuring the right to be heard, principals should establish if parents require an interpreter and if so, make arrangements for one to be available. Principals should also ensure that students and parents have access to policies and procedures under which action is being taken.

While it is generally preferable for the functions of investigating and decision making to be carried out by different people, in the school setting this may not always be possible. If the principal is conducting both the investigative and decision making stages, he or she must be reasonable and objective. Ultimately, the principal must act justly and be seen to act justly. While it is difficult to combine the roles of investigator and adjudicator, it is acceptable to do so given the nature of the principal's responsibilities. Nevertheless, it is preferable to have another appropriate officer, such as a deputy or assistant principal, carry out the investigation, if possible.

The availability of a line of appeal to a more senior officer adds to the fairness of the process and offers a check in case there is a perception of conflict of interest.

It is the principal's responsibility to suspend or expel a student from the particular school or to expel the student from the school and recommend that the Minister determine that the student not be re-admitted to all or any government schools. This responsibility is not to be delegated to any officer other than one acting in the principal's position.

To ensure the elements of procedural fairness are met, it is appropriate to provide students and their parents with details of all allegations relating to the incident. This may involve providing copies of any relevant statements. Should principals be of the view that it is not appropriate to provide copies of statements, for example, because of a fear that witnesses may be intimidated, or for any other valid reason, full details of the allegation(s) outlined in the statements should be provided.

In matters where a long suspension or expulsion is contemplated, the gravity of the circumstances requires particular emphasis being given to procedural fairness. This includes the availability of a support person/observer at formal interviews. The key features of formal disciplinary meetings should be taken down in writing.

## **Appendix 3                      The role of the support person and observer**

### **Support Person**

When attending meetings involving disciplinary actions at school, parents may choose to bring a support person to the meeting. A support person must be over 18 years of age. A support person should not be used as an interpreter. An interpreter should not be a student or member of staff.

Parents are responsible for organising their own support person. While the principal makes the decision about the participation of a particular support person, the family's choice should be accepted wherever possible.

The role of the support person is to provide support and assistance to the parents during the meeting. The support person is not an advocate for the parents or student and should not participate in the meeting other than in supporting parents.

The type of support and assistance provided may include:

- the taking of notes or provision of advice on rights/entitlements
- suggesting a temporary break in proceedings to assist the person
- seeking further advice.

If a support person becomes actively involved in a meeting, a principal should in the first instance remind the person of the limits of their role. If this involvement continues the principal has the option of asking the parents if they would like to continue the meeting without the support person or rescheduling the meeting at another time.

In some cases, parents may choose to have a legal representative, a representative from the Parents and Citizens' Association or a representative from a community organisation such as the Aboriginal Education Consultative Group present as a support person. In these circumstances the role of the support person remains as outlined above and the representative does not take on the role of advocate or become actively involved in the meeting.

Support and advice is available from Learning and Engagement and Legal Services Directorates.

### **Observer**

In a formal disciplinary meeting that may lead to the imposition of a long suspension or expulsion, the student responding to an allegation has the right to have an observer of their choosing present at the meeting. The offer of an observer should be made prior to the meeting commencing.

The observer could be a teacher, year advisor, another student or the student's parents. In a primary school it is appropriate that the observer be a trusted adult of the student's choosing. In considering the need to resolve the matter in a timely manner, the observer should be someone who is readily available. If the observer of the student's choosing is not readily available, the student should be asked to nominate another observer. For very young students or students who have difficulty following the process, for example because of disability, it may assist to have a parent present.

An observer does not participate in the meeting but is present to observe the progress of the meeting and ensure that the student responding to the allegation/s is able to participate fully in the meeting. An observer may take notes during the meeting.

Suspension and Expulsion of School Students Procedures – 2011  
NSW Department of Education and Communities

The principal may decide to make the offer of an observer in any disciplinary interview if it will assist in resolving the issue.

The following information provides further clarification on the role of the support person and observer.

	When involved	Process	Who	Role
<b>Observer</b>	Prior to a long suspension or expulsion decision being made by the principal.	Principal notifies student of their right to have an observer present prior to the formal disciplinary interview concerning allegations.	Teacher, year advisor, another student or the student's parents.  The person needs to be readily available and acceptable to the principal.	To observe and not participate in the meeting.  May take notes.  Ensure the student is able to participate in the meeting.
<b>Support person</b>	Meetings between the school and parents concerning disciplinary actions and in suspension resolution meetings.	Principal informs parents of their option to have a support person present in the notification of suspension letter.	Anyone over 18 years of age.  Must <u>not</u> be used as an interpreter.  Parents are responsible for organising.	Can take notes, suggest a break in proceedings or seek further advice.  Will not act as an advocate for the student or parent in a suspension resolution meeting; however an advocacy role may be appropriate prior to the resolution meeting occurring to discuss any outstanding issues preceding the resolution meeting with the student.

## Appendix 4

## Appeal against a decision to suspend or expel a student from a NSW Government school

### DEPARTMENT OF EDUCATION AND COMMUNITIES APPEAL AGAINST A DECISION TO SUSPEND OR EXPEL A STUDENT FROM ANSW GOVERNMENT SCHOOL

Please attach a copy of the notification of suspension from the school

Student's name: \_\_\_\_\_  
School attended: \_\_\_\_\_  
Year or grade: \_\_\_\_\_

Person making appeal: \_\_\_\_\_  
Relationship to student: \_\_\_\_\_  
Student: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone numbers: \_\_\_\_\_ (work)  
\_\_\_\_\_ (home)

This appeal is on the grounds that (please tick relevant box – both can be ticked if applicable)

- A. Correct procedures have not been followed ☐  
B. An unfair decision has been made ☐

**Major reasons for appealing** (summary only)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(You may attach supporting documents to this form. It is important that all matters which you wish considered in the appeal are mentioned).*

Signature of person making appeal: \_\_\_\_\_ Date: \_\_\_\_\_

#### Checklist:

- Have you attached a copy of the notification? ☐
- Have you attached additional information? ☐

## Appendix 5

## Notification of suspension / considering expulsion

To: \_\_\_\_\_ School: \_\_\_\_\_

Attention: \_\_\_\_\_ (Director, Public Schools NSW) Date: \_\_\_\_\_

Notification of: \_\_\_\_\_ Date of Susp/Expul: \_\_\_\_\_

☐ More than 2 short suspensions Proposed No. school days: \_\_\_\_\_

☐ Long suspension Deadline for resolution: \_\_\_\_\_

☐ More than 2 long suspensions (approval required)

☐ Considering expulsion

Name of student: \_\_\_\_\_ Year: \_\_\_\_\_ Phone: \_\_\_\_\_

Date of birth: \_\_\_\_\_ parent/carer: \_\_\_\_\_

☐ Male ☐ Female ☐ NESB ☐ Other ☐ ATSI

### Reason for long suspension

☐ Physical violence ☐ Possession/use of suspected illegal substance

☐ Use/possession of prohibited weapon, firearm or knife ☐ Persistent or serious misbehaviour

☐ Use of an implement as a weapon ☐ Serious criminal behaviour

Details (please complete): \_\_\_\_\_

Reason for considering expulsion: ☐ Misbehaviour ☐ Unsatisfactory participation

Details: \_\_\_\_\_

### Actions:

☐ Written advice of possible suspension to parents (in non-urgent circumstances)

☐ Parents provided with policy / school discipline code

☐ School counsellor report with recommendation(s) prepared

☐ Interpreter / cultural assistance / translation of documents organised as required

☐ Parents notified of appeal rights

Number of suspensions in past 12 month: \_\_\_ Short \_\_\_ Long

Assistance from local Department of Education and Communities office staff required? ☐ Yes ☐ No

Comment: \_\_\_\_\_

Principal's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Director's comment: \_\_\_\_\_



## Appendix 6 Letter 1 Short suspension

Name  
Address

Dear

This is to inform you that I have today suspended your (daughter, son etc.), (student's name) from (school name), consistent with the procedures of the Department of Education and Communities for suspension and this school's discipline code.

Suspension allows time for the issues that have led to this action to be explored and resolved. It also provides time for the school to plan appropriate support for (student's name) to assist with a successful and safe return to school.

(Student's name) has been suspended for (category – then specific reason/s and details of the incident). (He/she) has been suspended for (number of) school days, from (date) to (date) inclusive.

As a result of (student's name) suspension, both you and I are required to do certain things. I will:

- seek your assistance and work with you in an attempt to resolve the matter
- hold a resolution meeting with you at the earliest possible time to discuss how the matter might be resolved
- arrange an interpreter for you if necessary
- provide you with a copy of the school discipline code and the Department's suspension and expulsion procedures (attached).

You are expected to:

- assist me in resolving the matter
- contact my office as soon as possible to arrange a time to discuss how the matter might be resolved
- let me know if you require an interpreter
- arrange a support person to accompany you to the meeting if you wish
- be responsible for the supervision, care and safety of (student's name) while on suspension
- ensure that (student's name) is aware that (he/she) is not to enter onto school grounds without my permission, except to attend the resolution meeting.

The school expects that (student's name) will continue with (his/her) studies while suspended. If you consider that correct procedures have not been followed in this case, or that an unfair decision has been made, you may appeal in accordance with the procedures. You may wish to contact the local Department of Education and Communities office on (phone number) to discuss the appeal procedures. If you need an interpreter to assist you to contact the school or the local Department of Education and Communities office, the Telephone Interpreter Service number is: **131450**. This service is free of charge.

Yours sincerely  
**Principal**

## Appendix 7 Letter 2 Long suspension

Name  
Address

Dear

This is to inform you that I have today suspended your (daughter/son/etc.), (student's name) from (school name), consistent with the procedures of the Department of Education and Communities for suspension and this school's discipline code.

Suspension allows time for the issues that have led to this action to be explored and resolved. It also provides time for the school to plan appropriate support for (student's name) to assist with a successful and safe return to school.

(Student's name) has been suspended for (category – then specific reason/s and details of the incident). (He/she) has been suspended for (number of) school days, from (date) to (date) inclusive.

As a result of (student's name) suspension, both you and I are required to do certain things. I will:

- seek your assistance and work with you in an attempt to resolve the matter
- hold a resolution meeting with you at the earliest possible time to discuss how the matter might be resolved
- provide a study program
- arrange an interpreter for you if necessary
- provide you with a copy of the school discipline code and the Department's suspension and expulsion procedures (attached).

You are expected to:

- assist me in resolving the matter
- contact my office as soon as possible to arrange a time to discuss how the matter might be resolved
- let me know if you require an interpreter
- arrange a support person to accompany you to the meeting if you wish
- be responsible for the supervision, care and safety of (student's name) while on suspension
- ensure that (student's name) is aware that (he/she) is not to enter onto school grounds without my permission, except to attend the resolution meeting.

If we are able to resolve this matter satisfactorily, this period of suspension may be reduced. The school expects that (student's name) will continue with (his/her) studies while suspended.

If you consider that correct procedures have not been followed in this case or that an unfair decision has been made, you may appeal in accordance with the procedures. You may wish to contact the local Department of Education and Communities office on (phone number) to discuss the appeal procedures. If you need an interpreter to assist you to contact the school or the local Department of Education and Communities office, the Telephone Interpreter Service number is: **131450**. This service is free of charge.

Yours sincerely  
**Principal**

## Appendix 8

### Letter 3 Formal warning of unsatisfactory participation in learning by a student over 17 years of age

Name  
Address

Dear

This is to inform you of my concern that your (daughter/son/etc.), (student's name) is (not meeting requirements, non-serious etc.) at this time. Should this continue, steps may be taken to expel (student's name) from this school according to the procedures of the Department of Education and Communities for suspension and expulsion from a particular school.

The reasons for this are (specific reason/s and details).

Please contact my office as soon as possible on telephone number (school phone number) to discuss (student's name) unsatisfactory progress and to assist in the development and implementation of a program of improvement for (student's name).

If you need an interpreter to assist you in this meeting please advise the school.

I attach for your information a copy of the Department's procedures document on suspension and expulsion. These procedures include a section on expulsion from a particular school for unsatisfactory participation in learning.

If you need an interpreter to assist you to contact the school or the local Department of Education and Communities office, the Telephone Interpreter Service number is: **131450**. This service is free of charge.

I seek your assistance in resolving this matter.

Yours sincerely

**Principal**

## Appendix 9

### Letter 4 Expulsion from a particular school for misbehaviour – Initial advice

Name  
Address

Dear

This is to inform you that I am considering expelling your (son/daughter etc.), (student's name) from this school, and I have today placed (him/her) on a long suspension from (school name), pending the decision making process. This action has been taken consistent with the procedures of the Department of Education and Communities for suspension and expulsion from a particular school and this school's discipline code. The form of expulsion I am considering would mean that (student's name) would be expelled from this school only.

I am considering expelling (student's name) from this school after taking into account the following facts:

(specific details)

Copies of all documents on which my action has been based are attached. (Student's name) will not be able to return to school pending the final decision making process.

You have seven school days to respond to this advice prior to the final decision being made. Please contact my office as soon as possible on telephone number (school phone number) to arrange a meeting to discuss this matter. At this meeting I will explain the implications of expulsion and your appeal rights.

You may wish to have a support person present at this meeting.

If you require an interpreter to assist you in this meeting, please advise the school.

You are responsible for the supervision, care and safety of (student's name) while (he/she) is on suspension. (student's name) is not to enter the school grounds during the period of suspension without my permission. The school expects that (student's name) will continue with (his/her) studies while suspended. A study program will be provided.

I attach for your information a copy of the school discipline code (or school rules) and the Department's procedures document on suspension and expulsion. These procedures include a section on expulsion and a section on appeals.

If you need an interpreter to assist you to contact the school or the local Department of Education and Communities office, the Telephone Interpreter Service number is: **131450**. This service is free of charge.

Yours sincerely

**Principal**

## Appendix 10

### Letter 5 Expulsion for unsatisfactory participation of a student over 17 years of age – Initial advice

Name  
Address

Dear

This is to inform you that I am considering expelling your (daughter/son etc), (student's name) from this school. This action has been taken, consistent with the procedures of the Department of Education and Communities for suspension and expulsion from a particular school and this school's discipline code. The form of expulsion I am considering would mean that (student's name) would be expelled from this school only.

I am considering expelling (student's name) from this school after taking into account the following facts:

(Specific details of unsatisfactory participation)

Copies of all documents on which my action has been based are attached.

You have seven school days to respond to this advice prior to the final decision being taken. Please contact my office as soon as possible on telephone number (school phone number) to arrange a meeting to discuss this matter. At this meeting I will explain the implications of expulsion and your appeal rights.

You may wish to have a support person present at this meeting.

If you require an interpreter to assist you in this meeting, please advise the school.

I attach for your information a copy of the school discipline code (or school rules) and the Department's procedures document on suspension and expulsion. These procedures include a section on expulsion and a section on appeals.

If you need an interpreter to assist you to contact the school or the local Department of Education and Communities office, the Telephone Interpreter Service number is: **131450**. This service is free of charge.

Yours sincerely  
**Principal**

## Appendix 11

### Letter 6 Expulsion from a particular school for misbehaviour - Decision

Name  
Address

Dear

This is to inform you that today I have decided to expel your (daughter/son etc.), (student's name) from this school. This decision has been taken, consistent with the procedures of the Department of Education and Communities for suspension and expulsion from a particular school and this school's discipline code. (Student's name) will be expelled from this school only and during the next ten days, I will work in consultation with you and local Department of Education and Communities office staff to arrange an appropriate alternative educational setting for (student's name).

The decision to expel (student's name) from this school has been made after consideration of the information provided in my letter of (date of advice letter), the documentation provided to you and your response to me.

(Student's name) will not be able to return to this school.

I have previously provided a copy of the school discipline code (or school rules) and the Department's procedures document on suspension and expulsion. I again draw your attention to the section of the procedures on expulsion.

If you consider that correct procedures have not been followed in this case or an unfair decision has been made, you may appeal in accordance with the procedures. You may wish to contact the local Department of Education and Communities office on telephone number (phone number) to discuss the appeal procedures.

If you need an interpreter to assist you to contact the school or the local Department of Education and Communities office, the Telephone Interpreter Service number is: **131450**. This service is free of charge.

Yours sincerely  
**Principal**

## Appendix 12

### Letter 7 Expulsion from a particular school for unsatisfactory participation – Decision

Name  
Address

Dear

This is to inform you that today I have decided to expel your (daughter/son etc.), (student's name) from this school. This decision has been taken, consistent with the procedures of the Department of Education and Communities for suspension and expulsion from a particular school and this school's discipline code. (Student's name) will be expelled from this school only. Should you wish to enrol (student's name) in another school, it is the responsibility of you and your (daughter/son etc.), (student's name) to arrange that enrolment.

The decision to expel (student's name) from this school has been made after consideration of the information provided in my letter of (date of letter advice), the documentation provided to you and your response to me.

I have previously provided a copy of the school discipline code (or school rules) and the Department's procedures document on suspension and expulsion. I again draw your attention to the section of the procedures on expulsion, and on appeals.

If you consider that correct procedures have not been followed in this case or an unfair decision has been made, you may appeal in accordance with the procedures. You may wish to contact the local Department of Education and Communities office on telephone number (phone number) to discuss the appeal procedures.

If you need an interpreter to assist you to contact the school or the local Department of Education and Communities office, the Telephone Interpreter Service number is: **131450**. This service is free of charge.

Yours sincerely  
**Principal**



## Appendix 13

## School counsellor suspension report

Student \_\_\_\_\_ Date of Birth \_\_\_\_\_

School \_\_\_\_\_ Year \_\_\_\_\_

Date of suspension \_\_\_\_\_ Reason for suspension \_\_\_\_\_

\_\_\_\_\_

Previous school counsellor involvement with the student:

☐

None

☐

None recent

☐

Recent

Issues relevant to the management of the current suspension

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Recommendation(s) for the resolution of the suspension

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

School Counsellor

\_\_\_\_\_  
Name Signature Date

## Appendix 14 Formal caution

This letter is to confirm our phone conversation about your son/daughter \_\_\_\_\_ of Year \_\_\_\_\_ behaving inappropriately.

In particular he / she has breached the school discipline code (or school rules) by:

\_\_\_\_\_  
\_\_\_\_\_

If this behaviour continues \_\_\_\_\_ may be suspended from school in accordance with the Department of Education and Communities' *Suspension and Expulsion of School Students – Procedures*.

A copy of the *Suspension and Expulsion of School Students - Procedures* is available on the Department's "Policies" Internet web site at the address:

<https://education.nsw.gov.au/policy-library/policies/student-discipline-in-government-schools-policy>

You can also request a copy from the school.

This matter has been discussed with \_\_\_\_\_ and he / she understands what is expected in future. We will continue to work together to resolve these issues.

Please sign the slip below and return it to school with \_\_\_\_\_.

Yours sincerely,

**Principal**

Date: \_\_\_\_\_

-----  
**Formal caution**

I have discussed this matter with \_\_\_\_\_ and noted the warning of suspension.

I would like an interview to discuss how to support \_\_\_\_\_

☐ (Yes or No) Signed (Parent) \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Return to:** \_\_\_\_\_ (Name)

## Appendix 15

## Weapons Prohibition Act 1998 Schedule 1 Prohibited Weapons

### Knives

- 1) A flick knife (or other similar device) that has a blade which opens automatically by gravity or centrifugal force or by any pressure applied to a button, spring or device in or attached to the handle of the knife.
- 2) A ballistic knife that propels a knife-like blade of any material by any means other than an explosive.
- 3) A sheath knife that has a sheath which withdraws into its handle by gravity or centrifugal force or if pressure is applied to a button, spring or device attached to or forming part of the sheath, handle or blade of the knife.
- 4) An Urban Skinner push dagger or any other device that consists of a single-edged or multi-edged blade or spike that has a handle fitted transversely to the blade or spike and allows the blade or spike to be supported by the palm of the hand so that stabbing blows or slashes can be inflicted by a punching or pushing action.
- 5) A trench knife or any other device that consists of a single-edged or multi-edged blade or spike that is fitted with a handle made of any hard substance that can be fitted over the knuckles of the hand of the user to protect the knuckles and increase the effect of a punch or blow, or that is adapted for such use.
- 6) A butterfly knife or "balisong" or any other device that consists of a single-edged or multi-edged blade or spike that fits within 2 handles attached to the blade or spike by transverse pivot pins and is capable of being opened by gravity or centrifugal force.
- 7) A star knife or any other device that consists of a number of angular points, blades or spikes disposed outwardly about a central axis point and that are designed to spin around the central axis point in flight when thrown at a target.

### Miscellaneous weapons

- 1) Any bomb, grenade, rocket, missile or mine (or other similar device, such as a tear-gas canister) that is in the nature of (or that expels or contains) an explosive, incendiary, irritant or gas, and whether or not it is "live" or has been deactivated. A "live" rocket must have a propellant charge of more than 100 grams, and a "live" missile must have an explosive or incendiary charge of more than 7 grams, for it to be a prohibited weapon.
- 2) A flame thrower that is of military design, or any other device that is capable of projecting ignited incendiary fuel.
- 3) Any device that is designed to propel or launch a bomb, grenade, rocket or missile by any means other than by means of an explosive, including a device known as a PVC cannon.
- 4) A spear gun having an overall length (being the length of the spear gun when it is not loaded with a spear) of less than 45 centimetres.
- 5) A crossbow (or any similar device) consisting of a bow fitted transversely on a stock that has a groove or barrel designed to direct an arrow or bolt.
- 6) A slingshot (being a device consisting of an elasticised band secured to the forks of a "Y" shaped frame), other than a home-made slingshot for use by a child in the course of play.
- 7) A Saunders "Falcon" Hunting Sling, or any other device in the nature of a hunting sling, catapult or slingshot that is designed for use with, or a component part of which is, a brace that:

- a. fits or rests on the forearm or on another part of the body of the user, and
  - b. supports the wrist against the tension of elastic material used to propel a projectile.
- 8) A blow-gun or blow-pipe that is capable of projecting a dart, or any other device that consists of a pipe or tube through which missiles in the form of a dart are capable of being projected by the exhaled breath of the user or by any other means other than an explosive.
- 9) Any dart capable of being projected from a blow-gun or blow-pipe.
- 10) A Farallon Shark Dart, or any other similar device that is designed to expel, on contact, any gas or other substance capable of causing bodily harm and which is reasonably capable of being carried concealed about the person.
- 11) A dart projector known as the Darchery dartslinger, or any other similar device that is designed to project a dart by means of an elasticised band.
- 12) A mace or any other similar article that consists of a club or staff fitted with a flanged or spiked head, other than a ceremonial mace made for and used solely as a symbol of authority on ceremonial occasions.
- 13) A flail or any other similar article that consists of a staff or handle that has fitted to one end, by any means, a freely swinging striking part that is armed with spikes or studded with any protruding matter.
- 14) A whip that has a lash which is comprised wholly or partly of any form of metal.
- 15) A whip known as a cat-o'-nine-tails, or any other whip that consists of a handle to which there is attached any number of knotted lashes.
- 16) Kung fu sticks or "nunchaku", or any other similar article consisting of 2 or more sticks or bars made of any material that are joined together by any means that allows the sticks or bars to swing independently of each other.
- 17) A side-handled baton or any other similar article consisting of a baton, staff or rod that is made of any hard substance and has fitted to one side a handle, whether or not that handle is permanently fixed.
  - a. An extendable or telescopic baton.
- 18) Any hand-held defence or anti-personnel device that is designed to administer an electric shock on contact, such as the Taser Self-Defence Weapon or an electrified brief-case, but not including any such hand-held device that may lawfully be used on an animal in accordance with the Prevention of Cruelty to Animals Act 1979.
- 19) Knuckle-dusters or any other similar article that is made of any hard substance and that can be fitted over the knuckles of the hand of the user to protect the knuckles and increase the effect of a punch or other blow or that is adapted for use as such.
- 20) A sap glove, or any other similar article, that consists of a glove (including a fingerless glove) that has a layer of powdered lead sewn under the outer covering and positioned over the knuckle area on the back of the glove.
- 21) A studded glove, or any other similar article, that consists of a glove (including a fingerless glove) that has a number of raised studs or spikes made of a hard substance and positioned over the back of the glove to increase the effect of a punch or blow.
- 22) Any device designed or intended as a defence or anti-personnel spray and that is capable of discharging by any means any irritant matter comprising or containing any one or more of the following substances in liquid, powder, gas or chemical form:
  - a. chloroacetophenone, known as CN,

- b. orthochlorobenzalmalononitrile, known as CS,
  - c. dypenylaminechloroarsone, known as DM or Adamsite,
  - d. oleoresin capsicum, known as OC.
- 23) Any device (not being a device referred to in subclause (22)) designed as a defence or anti-personnel spray and that is capable of discharging any irritant matter.
- 24) Any acoustic or light-emitting anti-personnel device that is designed to cause permanent or temporary incapacity or to otherwise disorientate persons.

**Replicas, imitations, concealed blades etc.**

- 1) Any imitation or replica of a bomb, grenade, rocket, missile or mine (or similar device), unless it is of an approved type.
- 2) Any imitation or replica of a firearm in respect of which a licence or permit is required under the *Firearms Act 1996* (including any imitation or replica pistol, blank fire pistol, shortened firearm, machine gun or sub-machine gun), unless it is of an approved type.
- 3) A walking stick or cane that contains a sword or any other single-edged or multi-edged blade or spike of any length or of any material.
- 4) A riding crop that contains a knife, stiletto or any other single-edged or multi-edged blade or spike of any length or of any material.
- 5) A Bowen Knife Belt or any other similar article consisting of a belt or belt buckle that conceals or disguises within the article a knife or a single-edged or multi-edged blade or spike of any length or of any material.
- 6) Any article or device that:
  - a. due to its appearance is capable of being mistaken for something else that is not a weapon, and
  - b. disguises and conceals within it a single-edged or multi-edged blade or spike of any length or of any material.

**Miscellaneous articles**

- 1) Body armour vests (or any other similar article) designed for anti-ballistic purposes and to be worn on any part of the body (other than helmets or anti-ballistic articles used for eye or hearing protection).
- 2) Handcuffs (other than antique handcuffs, or children's toy handcuffs, that are of an approved type).
- 3) Silencers or any other device designed for attachment to a firearm for the purpose of muffling, reducing or stopping the noise created by firing the firearm.
- 4) A firearm magazine, being:
  - a. a rimfire magazine with a capacity of more than 15 rounds, or
  - b. a centre-fire self-loading rifle magazine with a capacity of more than 5 rounds, or
  - c. a shotgun magazine with a capacity of more than 5 rounds, or
  - d. a shotgun tubular magazine extension that is capable of extending the capacity of a shotgun magazine to more than 5 rounds, or
  - e. a pistol magazine with a capacity of more than 10 rounds.
- 5) Any article or device, such as a device known as a brass catcher, which is designed to be attached to a firearm for the purposes of catching ejected cartridge cases when the firearm is being fired.

- 6) Any portable tyre deflation device, or any other similar portable device, that is designed to puncture, or that has been adapted for the purposes of puncturing, the tyres of a motor vehicle when driven over the device.
- 7) Any article or device, such as a device known as a caltrop, that is made up of two or more sharp nails or spines arranged in such a manner that one of them always points upward however the article or device is placed and that is capable of puncturing the feet, paws or hooves of animals when they pass over the article or device.
- 8) A laser pointer, or any other similar article, that consists of a hand-held battery-operated device with a power output of more than 1 milliwatt, designed or adapted to emit a laser beam and that may be used for the purposes of aiming, targeting or pointing.

# Suspension and Expulsion of School Students - Procedures

## Information for parents

### 1. Introduction

This document provides summary information for parents on the Department of Education and Communities *Suspension and Expulsion of School Students - Procedures*. A full version of these procedures can be obtained from the Department's policy website at:

<http://education.nsw.gov.au/policy-library/policies/student-discipline-in-government-schools-policy?refid=285776>

Further assistance is available from Department of Education and Community offices. A full list is available at:

<https://www.det.nsw.edu.au/contactus/index.htm>

### 2. 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. Suspension and expulsion are the options available to the principal in these situations.
- In such cases of unacceptable behaviour, parents should not be asked to keep students at home without the formal imposition of a suspension unless this is for the remainder of a school day as part of an approved behaviour management program.
- In implementing these procedures, the principal must ensure that no student is discriminated against on any of the following grounds:
  - race, including colour, nationality, descent, and ethnic, ethno-religious or national origin
  - sex
  - marital status
  - disability, including HIV/AIDS
  - 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 wellbeing and discipline policies. It is most effective when it highlights the parents' responsibility for taking an active role, in partnership with the school, to modify the inappropriate behaviour of their child. The school and the government school system will work with parents with a view to assisting a suspended student to rejoin the school community as quickly as possible.

- Suspension also allows time for school personnel to plan appropriate support for the student to assist with successful re-entry. This may include access to appropriate support staff such as an Aboriginal community liaison officer or learning and support teacher. In some cases suspension from school allows the school and government school system time to put measures in place to ensure the safety of students and staff. For the majority of students, suspension allows time for the student to reflect on their behaviour, to acknowledge and accept responsibility for the behaviours which led to the suspension, and to accept responsibility for changing their behaviour to meet the school's expectations in the future.
- The principles of procedural fairness are fundamental to the implementation of these procedures. Procedural fairness is generally recognised as having two essential elements. These are the right:
  - to be heard, and
  - of a person to a fair and impartial decision.
- 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. They can also apply outside of school hours and off school premises where there is a clear and close connection between the school and the conduct of students. This includes the use by a student of social networking sites, mobile phones and/or other technology to threaten, bully or harass another student or a departmental staff member for school related issues.

### 3. Suspension

#### a. General principles

- In determining whether a student's misbehaviour is serious enough to warrant suspension, the principal will consider the safety, care and wellbeing of the student, staff and other students.
- Before a suspension is imposed, with the exception of the cases outlined in dot point 4 below or other serious instances of misbehaviour that impact on the safety or welfare of students or staff, the principal will ensure that appropriate school student welfare strategies and discipline options have been applied and documented
- 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 or staff.
- When consideration has been given to factors such as age, disability and developmental level of students (amongst others), principals must suspend immediately and consistently with these procedures, any student who:
  - **is physically violent:** Any student who is physically violent, resulting in injury, or whose violent behaviour



seriously interferes with the safety and wellbeing of others is to be suspended immediately

- **is in possession of a firearm, prohibited weapon, (as defined by Schedule One of the Weapons Prohibition Act), or knife (without reasonable cause)**
- **uses, supplies, or is in possession of, a suspected illegal substance (not including 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, in cases where communication difficulties arise due to a lack of understanding of English, parents have access to the use of an on-site or telephone interpreter and receive translated letters notifying of suspension or expulsion. Consideration may also need to be given to cultural issues and the intellectual capacity of the parent to understand what is occurring and what is being said. Contact the school if you require an on-site or telephone interpreter.
- 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. 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 key features of the interview must be taken down in writing
  - 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 and other available resources including local Department of Education and Communities office staff in seeking a means of assisting the student to modify his or her behaviour.
- Should parents require a support person in order to participate fully in the suspension resolution or expulsion meeting, a person acceptable to both the parents and the principal may be involved, e.g. a member of the local Aboriginal Education Consultative Group (AECG) or an interagency support worker. The responsibility for organising a support person rests with the student or parents.

#### **b. Short suspension**

- In cases where a range of appropriate learning and support strategies have been implemented and been unsuccessful in resolving the inappropriate behaviour, or the principal determines the behaviour of the student is of a type that warrants immediate suspension, the principal may choose to impose a short suspension of up to and including four school days. Short suspensions may be imposed for the following reasons and will be reported in the following categories:
  1. **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.

2. **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 messages or by other electronic means.

#### **c. 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:
  - the safety of students and staff
  - the merit and circumstances of the particular case
  - factors such as the age, individual needs, any disability and developmental level of students.
- Subject to factors outlined 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 and staff (including sexual or indecent assault).
  - **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*. Prohibited weapons include laser pointers, or similar articles with a power output of more than one milliwatt. Prohibited Weapons do not include harmless children's toys such as plastic imitation guns that are clearly intended to be toys;
    - 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 (including live ammunition, and replica firearms).

\*Note – "reasonable excuse" includes Kirpans carried by Sikhs for religious purposes.
  - **Possession, supply or use of a suspected illegal substance.** This does not include alcohol or tobacco, but does include supplying other students with illegal drugs or restricted substances such as prescription drugs.
  - **Serious criminal behaviour related to the school.** This includes malicious damage to property (school or community), or against the property of a fellow student or staff member on, or outside of the school premises.
- Subject to factors outlined in the first dot point in this section (section c), principals may also impose a long suspension for:
  - **Use of an implement as a weapon.** When a student uses an implement as a weapon to assault or injure

another person (including use of an offensive implement, which is any implement made, or adapted, to cause injury to another person).

- **Persistent or serious misbehaviour.** This includes, but is 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 any more than two long suspensions on an individual student in any twelve month period without the approval of the Director, Public Schools NSW.
- 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 all or any government schools.

#### 4. 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.

## 5. Expulsion

### a. 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.

### b. 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
  - place 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. The principal will also:
  - arrange, within 10 school days, and with support from local Department of Education and Communities office 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 Director, Public Schools NSW for resolution.
- In the resolution process the Director, Public Schools NSW may consider a range of options including:
  - directing, with approval from the Executive Director, Public Schools NSW the re-admittance of the student to the school, subject to strict disciplinary arrangements as necessary to ensure the safety and wellbeing 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 Executive Director, Public Schools NSW 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 Director, Public Schools NSW.
- If the student's behaviour has been so extreme that a suitable alternative placement cannot be found, the Director, Public Schools NSW, in consultation with the principal, may forward a submission to the Secretary, Department of Education and Communities, through the Executive Director, Public Schools NSW recommending to the Minister that the student who has been expelled for misbehaviour not be re-admitted to all or any government schools.

**c. Expulsion from a particular school of a student over 17 years of age for unsatisfactory participation in learning**

- This will generally be where a student has failed to apply themselves with diligence and sustained effort to set tasks and experiences and the lack of application is impacting on the good order of the school and learning of other students.
- Prior to giving consideration to expulsion the student must receive at least one formal written warning that such action is being contemplated. A program of improvement should be developed in conjunction with the student to assist them to improve their participation in learning. The student must also be provided with a reasonable period in which to demonstrate improvement.
- When considering expulsion in these circumstances, the principal will notify the student and the parents, in writing, that expulsion from the school is being considered, giving reasons for the possible action. There is no necessity to place the student on long suspension pending the decision making process in these circumstances.

- Having reached the decision to expel the 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.
- The arrangement of an alternative placement is the responsibility of the student and the student's parents. Advice for students and parents in these circumstances is available from the appropriate Department of Education and Communities office.

## 6. 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 their local Department of Education and Communities office. Local office personnel should identify appropriate support people for the student or parents if this type of assistance is requested. Appeals can be made to:
  1. Director, Public Schools, NSW about the imposition of a suspension or a decision to expel a student from a particular school.
  2. Executive Director, Public Schools NSW where a Director, Public Schools NSW 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.
  3. Executive Director, Public Schools NSW about the decision of a Director, Public Schools NSW to decline an appeal relating to a suspension or an expulsion from a particular school.
- The Director, Public Schools NSW or Executive Director, Public Schools NSW 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 of a child.