

# Suspensions and expulsions



If your child is facing being suspended or expelled from school, it's important to understand the process and your child's rights.

School is a big part of our child's life. If things aren't working well or issues become more serious, it can be a stressful and emotional time for us as parents and for everyone involved.

There are many ways that schools and parents can work together to create the best possible learning environment for students with disability. Serious issues can often be prevented when the school has a good understanding of your child and effective supports and strategies are in place.

The following information refers to processes for government schools. There are similar processes for Catholic and Independent schools.

## Supporting positive student behaviour

Schools have a responsibility to support students to behave appropriately. This includes providing support for their emotional wellbeing and mental health.

Schools should respond to student behaviour in supportive ways that:

- Encourage your child to stay at school
- Address the underlying reasons for the behaviour, including working with you to develop a Behaviour Support Plan
- Consider changes to the environment, teaching approaches or other supports
- Offer support to your child and family

Every child is different, and it's important to have a good understanding of why the behaviour is happening. Challenging behaviour can often be seen as deliberate misbehaviour, when it may be better understood as a way of communicating a particular need. For example, a student with autism may find it difficult to cope with an unexpected change in their environment without support and might respond in ways that are challenging or that pose a risk to themselves or others.

Positive behaviour support focuses on understanding the purpose of the behaviour and replacing it by teaching new skills in a positive way.

## Reasonable adjustments to support behaviour

Schools must make reasonable adjustments to meet your child's individual needs, including to support their behaviour. For example:

- Visual reminders and social stories about 'what comes next' may help your child to manage classroom routines and transitions
- An appropriate quiet space may help your child to become calm if they feel overwhelmed
- Physical activity may help your child with self-regulation to be able to then sit at a desk to learn

### **Helping your child get the support they need at school**

You can request a Student Support Group (SSG) at any time to review and make changes to the support your child receives at school. This can include developing a Behaviour Support Plan.

If you feel the school does not understand your child's support needs, getting the Department of Education Regional Office involved can bring people with a new perspective to the situation.

### **School attendance**

Your child has the right to attend school full-time. They are required to do so from the year they turn six until they are 17 unless they have an exemption.

You should not be asked to pick your child up early from school because of behaviour issues or because there are no Education Support staff available. Unless there are special medical reasons, Victorian government policy requires all children to be in school full-time.

Regular school attendance is important for children to feel connected with school and engaged with their learning. Schools must offer support to students with disability and those who are at risk of disengaging from school.

### **Suspensions and expulsions**

Suspensions and expulsions are serious disciplinary measures and alternatives must be considered. The Principal must look at what reasonable adjustments have been made, and other adjustments that could support your child's behaviour at school. This applies to all students with disability and does not depend on the school receiving additional funding support.

### **Your right to be informed and supported**

Processes for suspension and expulsion are set out in the school's Student Engagement Policy. The school must give you information about this policy and the processes that will be followed.

If there's anything you don't understand, ask the school to explain it to you. You can also get independent advice and advocacy support to help you and your child through this process.

You have the right to have a support person with you in any meeting with the school. This can be someone you know and trust such as a friend or family member, a support person or advocate. Your support person should be given a copy of the Department of Education Support Person Guide.

### **Reasons for suspensions and expulsions**

A student can be suspended or expelled from school if they:

- Do something that's dangerous to themselves or other people
- Break something
- Steal something
- Don't say anything about someone stealing
- Have or sell drugs, alcohol or weapons or help another person with this
- Do not do what staff say and this means there is danger to another person
- Repeatedly say or do something that makes another person feel bad or threatened
- Consistently do not do school work which makes it hard for others to do school work

These behaviours can happen at school, while travelling to and from school, or at a school activity.

## **If your child is suspended from school**

A suspension is when a student is removed from school or class for a period of time. After a suspension, they will return to school or class.

When considering suspending a student, the Principal must take into account the disruption to your child's learning, their disability, home circumstances and educational needs. You should be given a copy of Suspension information for parents and carers.

You must be told ahead of time that your child is being suspended, or at the time if the suspension is immediate. An immediate suspension can only happen if your child is putting themselves or others at risk.

A suspension cannot last for more than five days. A student may not be suspended for more than 15 days in a school year.

### **Support while suspended**

If your child is suspended for three days or less, the school must provide meaningful work for your child to do at home.

If your child is suspended for more than three days, the school must provide a Student Absence Learning Plan and a Return to School Plan.

An in-school suspension means a student stays on school grounds and is supervised but does not attend class. This may take different forms depending on the school and circumstances. The process for in-school suspensions is the same and you should receive the same notification and documentation.

If your child is suspended you can request a Student Support Group meeting to discuss behaviour support strategies for a positive return to school or class and to prevent another suspension.

## **If your child is expelled from school**

Expulsion is when a student is no longer allowed to attend a school.

Expelling a student must only be used as a last resort if their behaviour is so serious that it's the only available option. The Principal must show that the school has tried every other available support or action to support your child's behaviour first.

Principals must not expel a student who is aged eight years or younger without approval from the Department of Education.

### **Behaviour and Support Intervention Meeting**

Before a student can be expelled, the Principal must arrange a Behaviour and Support Intervention Meeting. This is an informal meeting for you and your child to meet with the Principal to talk about your child's behaviour at school.

The meeting is to discuss adjustments that have been made to support your child's behaviour, other adjustments that could be made if your child stays at school, and education options including a transition plan if your child is expelled.

The meeting should be attended by you, your child, the Principal and staff who have worked with your child. It may include someone from Department of Education. It's best to have an advocate attend this meeting with you before your child is expelled rather than after a decision has been made.

### **Before the meeting**

The Principal must contact you to let you know the date, time and place for the meeting.

You should be given a copy of the document Information for Parents and Carers about School Expulsions and, if appropriate, a copy of the document Information for Students about School Expulsions given to your child.

The Principal must tell you:

- The importance of attending the meeting
- That you can choose a nominee to attend on your behalf if you or your child are unable to attend
- What will be discussed at the meeting
- That you can bring a support person with you
- That if you do not attend the meeting a decision may be made without hearing from you

If you're unable to attend the meeting, you can nominate someone else to attend as a Relevant Person.

Your child should have someone to support them throughout the process. This could be you, a Relevant Person, support person or advocate.

The Principal can also organise a language or Auslan interpreter for you or your child, if needed.

### **At the meeting**

This is an opportunity for you to hear and respond to why the school wants to expel your child, and to provide any information you think is relevant to the decision.

The Principal must look at:

- All information provided by you and your child
- Advice from relevant professionals
- Your child's behaviour and other ways it could be addressed
- Your child's disability, educational needs, age, home and social circumstances
- Your child's education options, if they are expelled

The Principal must also take into account their legal obligations under the Victorian Charter of Human Rights and Responsibilities.

### **After the meeting**

The Principal must send you and your child the key points of what was discussed or a copy of the meeting record. While a decision is being made, the school should continue to provide your child with meaningful work.

### **Meeting decision**

If your child is aged nine or older, the Principal should tell you their decision within two business days. If your child is aged eight or younger, it must be within 10 business days and only with Department of Education approval.

If a decision is made not to expel your child, a Student Support Group meeting should be arranged to plan any additional supports or adjustments to help your child make a positive return to school.

If a decision is made to expel your child from school, the Principal must give you a Notice of Expulsion and Expulsion Appeal Form. They must complete an Expulsion Report stating their reasons and all information considered in making the decision. This is an important document to refer to if you decide to appeal the decision.

## Appealing a decision

If you're not happy with the decision to expel your child, you can make an appeal.

An expulsion can be appealed if:

- A student has had ongoing behavioural issues and there isn't enough evidence of the school providing behaviour support
- The reasons for expelling a student are unfair or discriminatory
- The expulsion process was not followed by the Principal
- Other extenuating circumstances

To make an appeal, you must complete the Expulsion Appeal Form and give it to the Principal within 10 business days of receiving the Notice of Expulsion. The school should continue to support you and your child during the appeal process.

## Outcome of the appeal

The Department of Education Secretary or Area Executive Director will decide whether to uphold or overturn the appeal. They will look at all the information and ask you to explain why you are appealing the decision. They will also hear from the Principal. They may ask for a recommendation from an Expulsion Review Panel but they are not bound to follow it.

A decision must be made within 15 business days of receiving the Expulsion Appeal Form from the Principal. The Department of Education should contact you within two business days of a decision being made, and provide the decision in writing along with a copy of the Expulsion Review Panel Report.

If the appeal decision is to expel your child, a transition plan should be put in place as soon as possible.

If the appeal decision is not to expel your child, the Principal must:

- Re-enrol your child under a Return to School Plan developed together with you and your child (where that school is still your preferred option)
- Remove any record of the expulsion from your child's permanent record
- Notify you in writing that your child's record has been amended

If the Principal has ongoing concerns about the safety of students where an expulsion has been overturned, they may refer the matter to a Student Safety and Wellbeing Expert Panel. If this happens, your child's re-enrolment will be deferred and your child should be given meaningful work to do and an updated Student Absence Learning Plan.

If you believe the expulsion and appeals process has not been done appropriately and you have been unable to resolve this with the school, you can make a complaint to the Department of Education Regional Office, Department of Education Central Office or to the Victorian Ombudsman.

You can also contact the ACD Support Line on 03 9880 7000 or 1800 654 013 (regional) and we can help you advocate for your child at school.

## Moving to another school

The Principal is responsible for supporting your child's move to another school after expulsion. This should include a Student Support Group meeting and Behaviour Support Plan. The focus should be on working together to support your child's move to another school with additional support.

If moving to another school is not possible, the Principal must support your child's transition to another education setting, training or employment. They should also give your child meaningful work to do until any new arrangements are in place.

## Useful links

Department of Education Student Behaviour Policy

<https://www2.education.vic.gov.au/pal/behaviour-students/policy>

Department of Education Suspensions Policy

<https://www2.education.vic.gov.au/pal/suspensions/policy>

Department of Education Expulsions Policy

<https://www2.education.vic.gov.au/pal/expulsions/policy>

Department of Education Student Engagement Policy

<https://www2.education.vic.gov.au/pal/student-engagement/policy>

If your child is suspended from school

<https://www.vic.gov.au/if-your-child-suspended-school>

If your child is expelled from school

<https://www.vic.gov.au/if-your-child-expelled-school>

Office locations: Department of Education

<https://www.vic.gov.au/office-locations-department-education>

## Related topics

Student Support Groups

<https://www.acd.org.au/student-support-groups>

Making a complaint about your child's education

<https://www.acd.org.au/making-a-complaint-about-your-childs-education>