

# Suspension and Expulsion Procedures

Draft Update 2010.

SSP Leader's Conference

August 2010

**NSW Department of Education & Training**

NSW Public Schools – Leading the Way [www.det.nsw.edu.au](http://www.det.nsw.edu.au)



# Legislative changes

- *Education Act (1990)* – changes to the school leaving age
- *Weapons Prohibition Act (Schedule 1)* – amendments relating to children's toys



# Ombudsman's Investigation Suspension

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# Findings

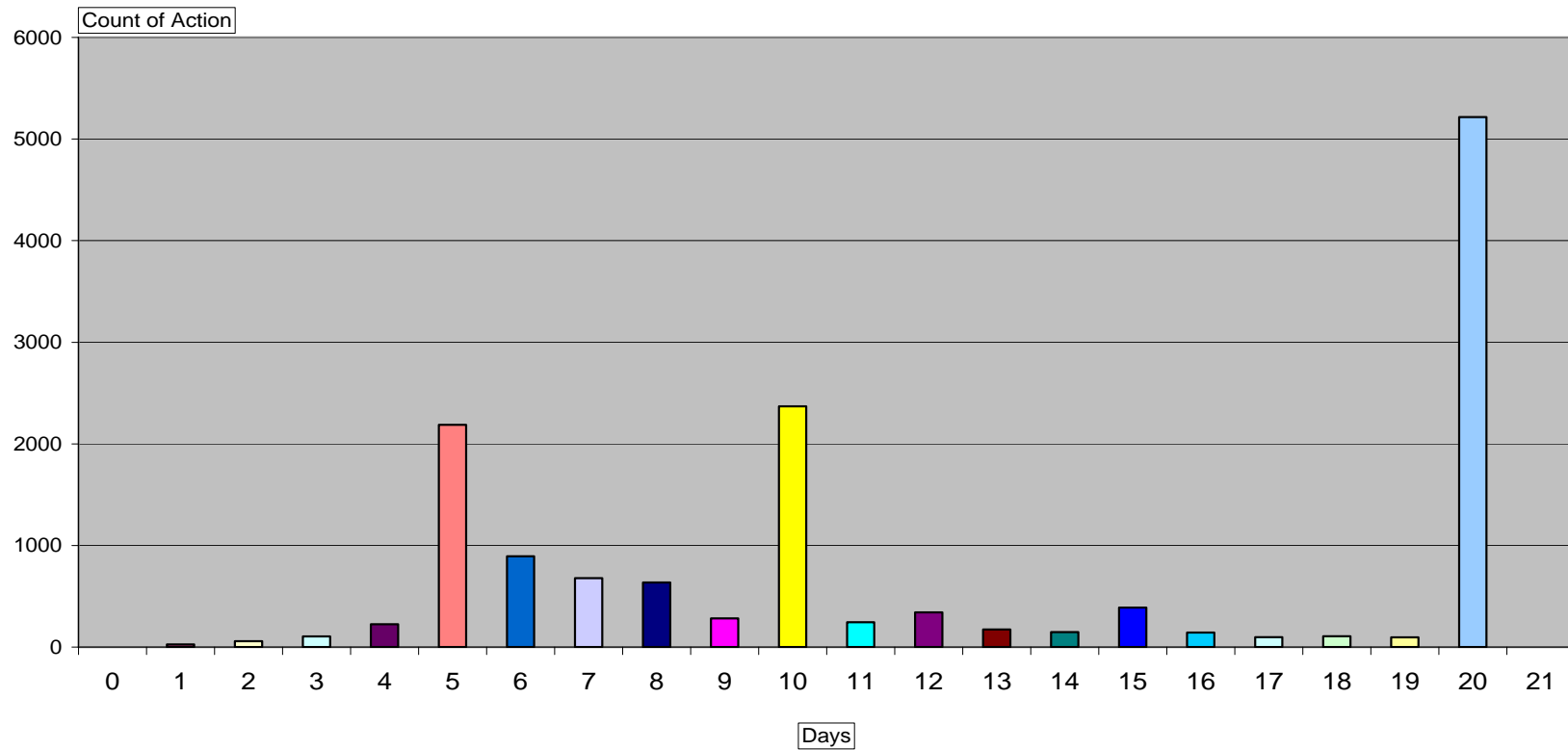
- Length of long suspensions
  - Most 20 days, spike at 5 and 10 days.
  - Many schools set resolution meetings on last day of a 20 day suspension
- Action to be taken before giving a long suspension
  - Only 43% of files contained information about welfare strategies and other disciplinary measures



# Long Suspension by Days - State

Action Long

Total



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# Findings

Operational and administrative practices

- Formal Disciplinary Interviews
- Record keeping
- Use of template letters



# Findings

- Student's needs and characteristics
  - Severity of poor behaviour was more extreme than anticipated
  - Indications on many files that students may have had a disability



# Findings

## Transition back to school

- Transition back to school is ‘challenging’
  - Some schools have developed additional processes
  - If long suspensions are resolved at the earliest opportunity as required by the procedures and appropriate supports are put in place, transition might be less fraught for both the student and school



# Major Changes

## New Inclusions

- “Formal written caution” template
- Further advice from the *Suspension and Expulsion – Good Practice Guide* on the role of support person and observer.

## Suspension and Expulsion Leaflet

- Summary reduced to 4 pages from 8



# Major Changes

## Context

- Reference to the requirement of the *Disability Discrimination Act* and the *Disability Standards for Education*

## Policy Statement

- Changes to the wording on the purpose of suspension – strengthens the use of suspension to manage OH&S issues



# Major Changes

## Policy Statement

- Applicability of procedures outside school hours and the use of social networking sites, mobile phones or other technology to bully and harass.
- Guidance on the use of the procedures where NSW Police are involved.



# Major Changes

## General Principles – Suspension

- Immediate suspension – Incidents to be reported through the school safety and response hotline



# Major Changes

## Short Suspension

- Specific mention of bullying and cyberbullying in “Aggressive Behaviour” category



# Major Changes

## Long Suspension

- Use or possession of a prohibited weapon, firearm or knife
  - Harmless children's toys are not prohibited weapons
  - Laser pointers
  - Live ammunition
  - Kirpans carried by Sikhs (*Summary Offences Act*)



# Major Changes

## Long Suspension

- Serious Criminal Behaviour Related to the school
  - Descriptor more specific
  - Moved from “May” to “Will”
  - Expectation of report to school safety and response



# Major Changes

## Long Suspension

- Persistent Misbehaviour
  - Changes to persistent or serious misbehaviour
  - Bullying, harassment and vitimisation added to descriptor
- Makes mention of provisions under Part 5A of the education act for an enrolment direction to be issued.



# Major Changes

## Expulsion for Unsatisfactory Participation

- Title and descriptor amended to clarify the student must be over 17 years of age.

## Appeals

- Provides guidance for the decision maker in determining suspension/expulsion appeals
  - Systems improvement
  - Annotation on students record



# Major Changes

## Letters

- Purpose of suspension

*Suspension allows time for the issues that have led to this action to be identified, explored and resolved. It also provides time for the school to plan appropriate support for the student to assist with a successful and safe return to school.*

