

Fact sheet

Charge-related suspension



A charge-related suspension may be imposed if the principal is reasonably satisfied that the student has been charged with a serious offence or an offence other than a serious offence, and that the nature of the offence precludes the student's attendance on the basis that they pose an unacceptable risk to other students or staff.

Grounds for suspension

As per the *Education (General Provisions) Act 2006*, each of the following is a ground for charge-related suspension:

- the student is charged with a serious offence (as defined by Chapter 1 of the *Working with Children (Risk Management and Screening) Act 2000*);
- the student is charged with an offence, other than a serious offence, and the principal is reasonably satisfied it would not be in the best interests of other students or staff for the student to attend the school while the charge is pending.

Duration of charge-related suspension

A charge-related suspension does not have a pre-determined end date; it continues until the charge is dealt with or until the principal decides that the student can attend school (they do not need to be completed in the current school year).

Dealt with, in relation to a charge against a student for an offence, means any of the following:

- student is acquitted or convicted of the charge
- student is convicted of another offence arising out of substantially the same acts or omissions as those constituting the charge
- the charge is withdrawn or dismissed or the trial is discontinued.

Key information

- There is no requirement that a student *must* be placed on a charge-related suspension. The decision to place a student on a charge-related suspension must incorporate a comprehensive assessment of the risk and an exploration of strategies that may be implemented at school to mitigate identified risks.
- Principals are the only staff members with the **power** to make a decision about the use of suspension for an enrolled student.
- Principals may **authorise** a deputy principal, head of school or head of campus to tell a student and parent of their decision to suspend.
- The suspension takes effect from the time the principal or authorised officer tells the student and their parent about it.
- **Requesting the Director-General to obtain information from the Queensland Police Commissioner for the purpose of student disciplinary decisions** may be used to inform a principal's decision-making in relation to charge-related suspensions. Follow up requests should be made in order to obtain information about the current status of the charges. Once dealt with, a final decision must be made.
- As soon as the charge is dealt with, principals must move forward with a decision about ending the charge-related suspension or **progressing to exclusion**.
- Students cannot be excluded on the grounds of their charges — they can only be excluded if they are convicted of an offence **and** the principal is reasonably satisfied that it is not in the best interests of other students or staff for the student to attend the school.

- Principals may however, propose to exclude the student regardless of the outcome of the student's charges if, through re-evaluation of circumstances, they are able to demonstrate that the student's attendance at the school would pose an unacceptable risk to the safety and wellbeing of other students or staff.

Principals

- May use the **Risk assessment – behaviour, safety and wellbeing** prior to identifying an appropriate disciplinary response or intervention (for offences other than serious offences) and retain a copy in the student's OneSchool record.
- Must be able to justify the ground for charge-related suspension where a student has been charged with **an offence, other than a serious offence**, with comprehensive explanation and evidence, explaining how the student's behaviour specifically meets the identified ground/s. For example why the Principal is reasonably satisfied it would not be in the best interests of other students or staff for the student to attend the school while the charge is pending.
- Do not need to demonstrate satisfaction that it would not be in the best interest of others for the student to attend the school while the charge is pending **where a student is charged with a serious offence** (as defined by Chapter 1 of the *Working with Children (Risk Management and Screening) Act 2000*).
- Ensure the student and parent are offered the opportunity to discuss the allegations and respond if they choose prior to the principal making a disciplinary decision.
- Ensure a **regional case manager** is appointed as the contact for the student and parent while the charge-related suspension is in effect and communicate this information to the student and parent.
- Take reasonable steps to arrange for the student's access to an educational program that allows the student to continue the student's education during the suspension.
- Use only the letters and approved forms available in OneSchool.
- Provide details about making a submission against the suspension decision to the Director-General or delegate with the written notice.
- Ensure signed copies of the decision notice (approved forms) and supporting materials relating to the school disciplinary absence decision are uploaded in OneSchool (no hard copies of the information received from the Queensland Police Commissioner are kept by the school or saved in OneSchool outside the 'Confidential Attachment').
- If the parent advises that they are ending the enrolment of their child at the school, must advise that the charge-related suspension (and therefore the enrolment) will remain in effect until a final decision has been made.

Students

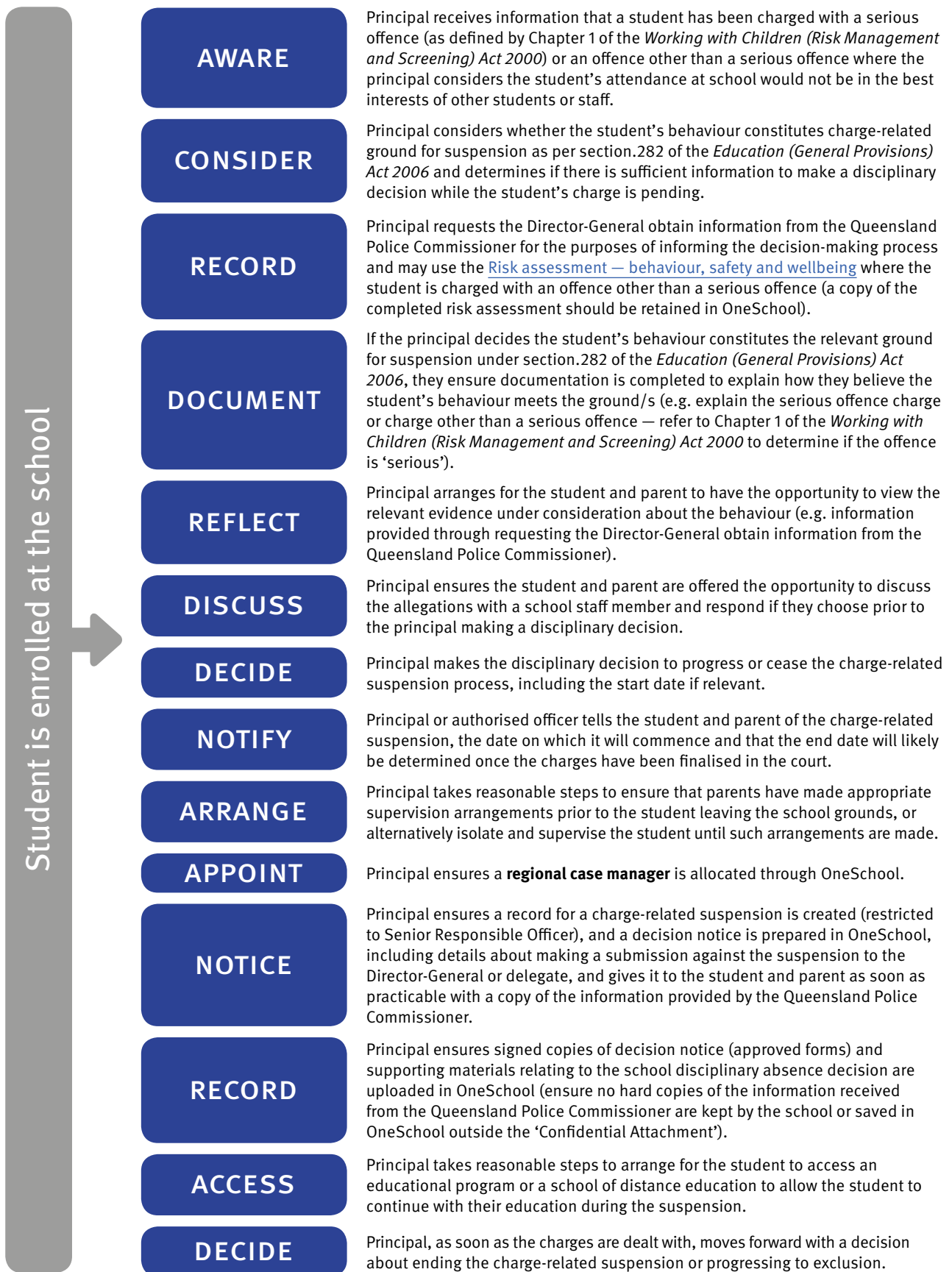
- ✓ Can make an **appeal submission to the Director-General or delegate** against charge-related suspension decisions.
- ✗ May not attend any state school or any school activity while suspended. Parents are responsible for their children during the period of suspension.
- ✗ While on a charge-related suspension, must maintain their enrolment at the school and may not be enrolled at any other state school (other than distance education) in Queensland until a final decision is made.

Uncontrolled copy. Refer to the Department of Education Policy and Procedure Register at <https://ppr.qed.qld.gov.au/pp/student-discipline-procedure> to ensure you have the most current version of this document.

Page 1 of 2 Version: 1.6



Flowchart: Charge-related suspensions



* At any time throughout the charge-related suspension, the principal may seek an update on the status of the student's charges through an additional request to the Director-General to obtain information from the Queensland Police Commissioner.