

# Student discipline procedure

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### **Audience**

All state schools

# **Purpose**

This procedure sets out the responsibilities and processes to promote safe, supportive and disciplined learning environments in Queensland state schools. It supports schools to understand and meet their legislative obligations, to maintain good order and management of schools and provide access to state education to ensure all students can participate in and gain positive outcomes from schooling.

## Overview

This procedure includes:

- the requirement for all state schools to have a Student Code of Conduct
- clear expectations about staff responsibilities to support students to understand and meet discipline expectations of the school
- guidance on the application, where required, of disciplinary consequences.

This procedure is based on the legislative framework outlined in <u>Chapter 12</u>, <u>Education (General Provisions) Act</u> 2006 (Qld).

# Responsibilities

### **Director-General (or delegate)**

- make decisions about excluding a student from a state school, certain state schools, or all Queensland state schools
- respond to submissions against Director-General (or delegate) decisions relating to suspension or exclusion
- respond to submissions made against a principal's decision to:
  - o suspend a student for 11-20 days
  - o suspend a student on a charge-related ground



- exclude a student
- respond to periodic review submissions related to permanent exclusion
- exercise the suspension or exclusion power of the Principal if the Principal of a state school or the Director-General (or delegate) reasonably believes it would be appropriate for the Director-General (or delegate) to exercise the power
- ensure decisions are compatible with the <u>Human Rights Act 2019 (Qld)</u>.

The Director-General may delegate decisions. If so, the delegate may exercise the Director-General's power.

## **Principals**

- ensure compliance with the procedure determined by the Director-General (or delegate)
- develop a <u>Student Code of Conduct</u> in consultation with the school community, including employees, which
  is consistent with the expectations outlined in this procedure
- implement a communication plan to ensure all staff, students and the wider school community are aware of the content and can access the <u>Student Code of Conduct</u>
- make school disciplinary absence decisions
- understand that decisions about school disciplinary absences cannot be delegated to other staff
- use the <u>Instrument of Authorisation</u> to record any authorisation/s given by the Principal for the Deputy Principal, Head of School and/or Head of Campus to tell students and parents of suspension or exclusion decisions made by the Principal
- refer school disciplinary absence decisions to the Director-General (or delegate) where it is inappropriate for the Principal to make the decision (e.g. due to bias)
- assess risks regarding disciplinary consequences
- take into account a student's individual circumstances, such as behaviour history, disability, mental health
  and wellbeing, religious and cultural considerations, home environment and care arrangements when
  responding to inappropriate behaviour and applying any disciplinary consequence
- take reasonable steps to arrange for the student to continue to access their educational program for the duration of their school disciplinary absence
- ensure school disciplinary absence decisions are compatible with the <u>Human Rights Act 2019 (Qld)</u>
- are mindful of their obligations under the <u>Disability Standards for Education 2005 (Cwth)</u>
- ensure school disciplinary absence decisions are documented in OneSchool
- ensure signed copies of all letters (also known as approved forms) and attachments relating to school disciplinary absence decisions are uploaded into OneSchool.

### **Teachers**

- familiarise themselves with the school's Student Code of Conduct, including support and response strategies for students
- implement expectations consistent with the school's Student Code of Conduct



- explicitly teach student's expected behaviours and provide opportunities for them to practise the expected behaviours
- provide differentiated teaching to respond to the particular learning needs of all students as a regular part of classroom instructional practice
- take into account a student's individual circumstances, such as the student's behaviour history, disability, mental health and wellbeing, religious and cultural considerations, home environment and care arrangements when responding to inappropriate student behaviour
- document disciplinary incidents in OneSchool in a timely manner (within school day).

### **Regional Case Managers**

Regional Case Managers are any allocated officer that the Regional Director or delegate deems is appropriately qualified to undertake this role. These staff:

- act as a point of contact for the student and their family when student is subject to a charge-related suspension, suspension pending exclusion or exclusion
- support the Principal of the student's school to take reasonable steps to arrange for the student to continue to access their educational program for the duration of their school disciplinary absence
- · record contact with student and family in OneSchool, including copies of correspondence
- provide assistance with understanding disciplinary consequences and appeal processes, including making arrangements to support submission of oral appeals
- take into account a student's individual circumstances, such as the student's behaviour history, disability, mental health and wellbeing, religious and cultural considerations, home environment and care arrangements.

### **Process**

### **Student Code of Conduct**

- consult the school community, including employees, to develop a <u>Student Code of Conduct</u> which outlines expected behaviour in the school
- ensure the Student Code of Conduct provides information about:
  - explicit teaching of expected behaviours and opportunities for students to practise appropriate responses
  - o differentiated teaching to respond to the particular learning needs of all students as a practice feature of the teaching approach across the school
  - how to take into account a student's individual circumstances, such as the student's behaviour history, disability, mental health and wellbeing, religious and cultural considerations, home environment and care arrangements when responding to inappropriate behaviour



- o confidentiality obligations limiting discussion or sharing information about individual circumstances of students, including applied disciplinary consequences, with persons other than the student's parent/s
- ensure a signed copy of the Student Code of Conduct is publicly available on the school website, reviewed and updated annually to maintain currency and comprehensively reviewed every four years in line with cycles of the <a href="School Strategic Plan">School Strategic Plan</a> (DoE employees only).

### Disciplinary consequences - General principles

### **Principal or Director-General (or delegate)**

Prior to making a decision about disciplinary consequences, including detention, removal of privileges, suspension or exclusion:

- assess the student's behaviour and the level of risk the behaviour presents
- undertake an assessment of the human rights that may be impacted by any decision and consider whether
  the limit placed on those human rights is reasonable and justified. The assessment must be documented
  appropriately
- take into account:
  - o a student's individual circumstances, such as behaviour history, disability, mental health and wellbeing, religious and cultural considerations, home environment and care arrangements
  - o procedural fairness in all decision making
  - that the grounds for suspending or excluding a student apply to all students, including mature aged students
  - o the conduct of a student may include an omission to perform an act by the student
  - o that action can be taken to address behaviour occurring outside school premises or school hours
  - that an offence includes an act or omission committed outside of Queensland that would be an offence if it were committed in Queensland
- apply a school disciplinary absence, such suspension or exclusion, as a strategy of last resort.

## Suspensions (1-10 or 11-20 days)

- are the only staff members under the <u>Education (General Provisions) Act 2006 (Qld)</u> with the power to make a decision about the use of suspension for an enrolled student
- in contemplating the use of suspension as a disciplinary consequence, consider whether the student's behaviour constitutes one or more of the following grounds from section.282 of the *Education (General Provisions) Act 2006* (Qld):
  - o disobedience
  - o misbehaviour
  - conduct that adversely affects, or is likely to adversely affect, other students (may be ground for suspension even if the conduct does not happen on school premises or during school hours)



- conduct that adversely affects, or is likely to adversely affect, the good order and management of the school (may be ground for suspension even if the conduct does not happen on school premises or during school hours)
- the student's attendance at the school poses an unacceptable risk to the safety or wellbeing of other students or staff
- o the student is charged with a serious offence (refer to Flowchart: Suspension (charge-related))
- 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 of staff for the student to attend the school while the charge is pending (refer to Flowchart: Suspension (charge-related))
- provide the student and parent written notice of the suspension on the approved form
- may authorise a Deputy Principal, Head of School or Head of Campus to tell a student and parent of the Principal's decision to suspend.

Principal considers whether the student's behaviour constitutes grounds for suspension as per section.282 of the *Education* (*General Provisions*) Act 2006.

**DOCUMENT** 

If the principal decides the behaviour meets one or more of the grounds for suspension under section.282 of the *Education* (*General Provisions*) *Act 2006*, they ensure documentation is completed to explain how they believe the student's behaviour meets the ground/s (e.g. explain how the behaviour constitutes misbehaviour).

REFLECT

Principal arranges for the student and parent to have the opportunity to view the relevant evidence under consideration about the behaviour (e.g. reports, statements, other documents, video/audio recordings noting that a copy of the recordings should not be provided to the student or parent but they should be invited to view/hear the recordings at the school or elsewhere before the suspension decision is made).

DISCUSS

Principal ensures the student and the parent are offered the opportunity to discuss the allegations with a school staff member and respond if they choose prior to the principal making a disciplinary decision.

DECIDE

Principal makes the disciplinary decision to progress or cease the suspension process, including the start and end date of the suspension if relevant.

NOTIFY

Principal or authorised officer tells the student and parent of the decision to suspend, the reasons for the suspension and the date on which it will commence, ensuring the suspension is completed in the current school year and does not extend over the summer holiday period into the new year.

ARRANGE

Principal takes reasonable steps to ensure that parents have made appropriate supervision arrangements prior to the student leaving the school grounds, or alternatively isolate and supervise the student until such arrangements are made.

**APPOINT** 

Principal ensures a school staff member is appointed as the contact for the student and parent while suspension is in effect and ensures student and parent are advised of the contact information for this person.

NOTICE

Principal ensures a record for 1–10 day suspension is created and a decision notice is prepared in OneSchool, and gives it to the student and parent as soon as practicable.

RECORD

Principal ensures signed copies of decision notice (approved forms) and supporting materials relating to the school disciplinary absence decision are uploaded in OneSchool.

ACCESS

Principal takes reasonable steps to arrange for the student to access an educational program to allow the student to continue with their education during the suspension.

Student is enrolled at the schoo



## Flowchart: Suspensions (11-20 days)

CONSIDER

Principal considers whether the student's behaviour constitutes grounds for suspension as per section.282 of the *Education* (*General Provisions*) Act 2006.

DOCUMENT

If the principal decides the behaviour meets one or more of the grounds for suspension under section.282 of the *Education* (*General Provisions*) *Act 2006*, they ensure documentation is completed to explain how they believe the student's behaviour meets the ground/s (e.g. explain how the behaviour constitutes misbehaviour).

REFLECT

Principal arranges for the student and parent to have the opportunity to view the relevant evidence under consideration about the behaviour (e.g. reports, statements, other documents, video/audio recordings noting that a copy of the recordings should not be provided to the student or parent but they should be invited to view/hear the recordings at the school or elsewhere before the suspension decision is made).

**DISCUSS** 

Principal ensures the student and the parent are offered the opportunity to discuss the allegations with a school staff member and respond if they choose prior to the principal making a disciplinary decision.

DECIDE

Principal makes the disciplinary decision to progress or cease the suspension process, including the start and end date of the suspension if relevant.

NOTIFY

Principal or authorised officer tells the student and parent of the decision to suspend, the reasons for the suspension and the date on which it will commence, ensuring the suspension is completed in the current school year and does not extend over the summer holiday period into the new year.

**ARRANGE** 

Principal takes reasonable steps to ensure that parents have made appropriate supervision arrangements prior to the student leaving the school grounds, or alternatively isolate and supervise the student until such arrangements are made.

**APPOINT** 

Principal ensures a school staff member is appointed as the contact for the student and parent while suspension is in effect and ensures student and parent are advised of the contact information for this person.

NOTICE

Principal ensures a record for 11–20 day suspension is created and a decision notice is prepared in OneSchool, including details about how to make a submission against the suspension to the Director-General or delegate, and gives it to the student and parent as soon as practicable.

RECORD

Principal ensures signed copies of decision notice (approved forms) and supporting materials relating to the school disciplinary absence decision are uploaded in OneSchool.

ACCESS

Principal takes reasonable steps to arrange for the student to access an educational program to allow the student to continue with their education during the suspension.



## Flowchart: Suspensions (charge-related)

**AWARE** 

Principal receives information that a student has been charged with a serious offence (as defined by Chapter 1 of the *Working with Children (Risk Management and Screening) Act 2000*) or an offence other than a serious offence where the principal considers the student's attendance at school would not be in the best interests of other students or staff.

CONSIDER

Principal considers whether the student's behaviour constitutes charge-related ground for suspension as per section.282 of the *Education (General Provisions)*Act 2006 and determines if there is sufficient information to make a disciplinary decision while the student's charge is pending.

RECORD

Principal requests the Director-General obtain information from the Queensland Police Commissioner for the purposes of informing the decision-making process and may use the **Risk assessment — behaviour, safety and wellbeing** where the student is charged with an offence other than a serious offence (a copy of the completed risk assessment should be retained in OneSchool).

**DOCUMENT** 

If the principal decides the student's behaviour constitutes the relevant ground for suspension under section.282 of the *Education (General Provisions) Act 2006*, they ensure documentation is completed to explain how they believe the student's behaviour meets the ground/s (e.g. explain the serious offence charge or charge other than a serious offence — refer to Chapter 1 of the *Working with Children (Risk Management and Screening) Act 2000* to determine if the offence is 'serious').

REFLECT

Principal arranges for the student and parent to have the opportunity to view the relevant evidence under consideration about the behaviour (e.g. information provided through requesting the Director-General obtain information from the Queensland Police Commissioner).

DISCUSS

Principal ensures the student and parent are offered the opportunity to discuss the allegations with a school staff member and respond if they choose prior to the principal making a disciplinary decision.

DECIDE

Principal makes the disciplinary decision to progress or cease the charge-related suspension process, including the start date if relevant.

NOTIFY

Principal or authorised officer tells the student and parent of the charge-related suspension, the date on which it will commence and that the end date will likely be determined once the charges have been finalised in the court.

**ARRANGE** 

Principal takes reasonable steps to ensure that parents have made appropriate supervision arrangements prior to the student leaving the school grounds, or alternatively isolate and supervise the student until such arrangements are made.

APPOINT

Principal ensures a **regional case manager** is allocated through OneSchool.

NOTICE

Principal ensures a record for a charge-related suspension is created (restricted to Senior Responsible Officer), and a decision notice is prepared in OneSchool, including details about making a submission against the suspension to the Director-General or delegate, and gives it to the student and parent as soon as practicable with a copy of the information provided by the Queensland Police Commissioner.

RECORD

Principal ensures signed copies of decision notice (approved forms) and supporting materials relating to the school disciplinary absence decision are uploaded in OneSchool (ensure 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').

**ACCESS** 

Principal takes reasonable steps to arrange for the student to access an educational program or a school of distance education to allow the student to continue with their education during the suspension.

DECIDE

Principal, as soon as the charges are dealt with, moves forward with a decision about ending the charge-related suspension or progressing to exclusion.

<sup>\*</sup> 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.



### **Exclusion by Principals**

- are the only persons authorised under the *Education (General Provisions) Act 2006 (Qld)* to make a disciplinary decision about the use of exclusion
- consider exclusion only as a last resort, including if suspension is demonstrably inadequate to deal with
  the student's disobedience, misbehaviour, conduct or risk (e.g. student has sold a large quantity of illicit
  drugs, seriously assaulted a staff member)
- in contemplating disciplinary consequences, consider whether the suspension of the student under division 2 of the *Education (General Provisions) Act 2006* (Qld) is inadequate to deal with the disobedience, misbehaviour, conduct or risk, and if so, whether the student's behaviour constitutes one or more of the following grounds under section.292 of the *Education (General Provisions) Act 2006* (Qld):
  - o persistent disobedience
  - misbehaviour
  - o conduct that adversely affects, or is likely to adversely affect, other students (may be ground for exclusion even if the conduct does not happen on school premises or during school hours)
  - conduct that adversely affects, or is likely to adversely affect, the good order and management of the school (may be ground for exclusion even if the conduct does not happen on school premises or during school hours)
  - the student's attendance at the school poses an unacceptable risk to the safety or wellbeing of other students or staff
- It is also ground for exclusion if:
  - o the student has been convicted of an offence and the Principal is reasonably satisfied it would not be in the best interests of other students or staff for the student to continue to be enrolled at the school
- provide the student and parent written notice of the proposed exclusion on the approved form
- ensure the student and parent have at least five school days of receiving the proposed exclusion notice to provide relevant additional information or responses to allegations prior to making a final decision
- finalise the decision within 20 school days of providing the student and parent with the proposed exclusion notice
- provide the student and parent written notice of the exclusion decision on the approved form
- may authorise a Deputy Principal, Head of School or Head of Campus to tell a student and parent of the Principal's decision to exclude.



## Flowchart: Exclusion by Principals

CONSIDER

Principal considers whether the student's behaviour constitutes grounds for exclusion as per section.292 of the Education (General Provisions) Act 2006.

RECORD

Principal considers use of the **Risk assessment** — **behaviour, safety and wellbeing** prior to identifying an appropriate disciplinary response or intervention and retains a copy of the completed risk assessment in OneSchool.

DOCUMENT

Principal ensures documentation of how the behaviour meets one or more of the grounds under section.292 of the *Education (General Provision) Act 2006* (e.g. explaining how the behaviour adversely affects the good order and management of the school, evidence of conviction of a **serious offence**).

**REFLECT** 

Principal arranges for the student and parent to have the opportunity to view the relevant evidence under consideration about the behaviour (e.g. reports, statements, other documents, video/audio recordings noting that a copy of the recordings should not be provided to the student or parent but they should be invited to view/hear the recordings at the school or elsewhere before the proposed exclusion decision is made).

DISCUSS

Principal ensures the student and parent are offered the opportunity to discuss the allegations with a school staff member and respond if they choose prior to the principal making a disciplinary decision.

DECIDE

Principal makes the disciplinary decision to progress or cease the proposed exclusion process: If **not satisfied** there is a ground for exclusion, may consider a less serious disciplinary consequence such as suspension or an alternative consequence. If **satisfied** there is a ground for exclusion, continues the exclusion process.

**NOTIFY** 

Principal or authorised officer tells the student and parent of the decision to propose exclusion, the reasons for the proposed exclusion, the date on which the suspension will commence and that a final decision about the exclusion will be made within 20 school days.

ARRANGE

Principal takes reasonable steps to ensure that parents have made appropriate supervision arrangements prior to the student leaving the school grounds, or alternatively isolate and supervise the student until such arrangements are made.

NOTICE

Principal ensures a record for proposed exclusion is created and a decision notice is prepared in OneSchool and ensures it is given to the student and parent as soon as practicable.

APPOINT

Principal ensures a **regional case manager** is allocated through OneSchool.

RECORD

Principal ensures signed copies of decision notice (approved forms) and supporting materials relating to the school disciplinary absence decision are uploaded in OneSchool.

ACCESS

Principal takes reasonable steps to arrange for the student to access an educational program to allow the student to continue with their education during the suspension.

DECIDE

Principal, within 20 school days of notifying the student and parent of the proposed exclusion, and after considering all of the available information, decides whether to exclude or not exclude.

**DETERMINE** 

Principal ensures the exclusion decision is updated in OneSchool and, if the decision is to **not exclude**, makes arrangements for the return of the student to school and any necessary support provisions. If the decision is to **exclude**, determines whether to exclude for a period of not more than one school year or to exclude permanently.

**NOTIFY** 

Principal or authorised officer tells the student and parent of the exclusion decision, the reasons for the exclusion and if or when the student can reapply to enrol at the school.

NOTICE

Principal ensures a decision notice is prepared in OneSchool and gives it to the student and parent as soon as practicable. If the decision is to exclude, the notice includes details about how to make a **submission to the Director-General** or delegate and, for permanent exclusions, a **periodic review submission to the Director-General**.

RECORD

Principal ensures signed copies of decision notice (approved forms) and supporting materials relating to the school disciplinary absence decision are uploaded in OneSchool.

<sup>\*</sup> Failure to make the exclusion decision within the legislated 20 school days will result in the final decision being that the student is not excluded and can return to school.



# Exclusion by Director-General (or delegate) – certain Queensland state schools or all state schools

- consider exclusion from the school only as a last resort, including if suspension is demonstrably
  inadequate to deal with the student's disobedience, misbehaviour, conduct or risk (e.g. student has sold a
  large quantity of illicit drugs, seriously assaulted a staff member)
- consider whether suspension of the student under division 2 of the *Education (General Provisions) Act* 2006 (Qld) is inadequate to deal with the disobedience, misbehaviour, conduct or risk, and if so, whether the student's behaviour constitutes one or more of the following grounds under section.292 of the *Education (General Provisions) Act* 2006 (Qld):
  - o persistent disobedience
  - misbehaviour
  - o conduct that adversely affects, or is likely to adversely affect, other students (may be ground for exclusion even if the conduct does not happen on school premises or during school hours)
  - conduct that adversely affects, or is likely to adversely affect, the good order and management of the school (may be ground for exclusion even if the conduct does not happen on school premises or during school hours)
  - the student's attendance at the school poses an unacceptable risk to the safety or wellbeing of other students or staff
- It is also ground for exclusion if:
  - o the student has been convicted of an offence and the Principal is reasonably satisfied it would not be in the best interests of other students or staff for the student to continue to be enrolled at the school
- consider whether exclusion of the student under Part 12, Division 3 of the *Education (General Provisions)*Act 2006 (Qld) is inadequate to deal with the disobedience, misbehaviour, conduct or risk, or the student poses an unacceptable risk to the safety or wellbeing of certain or all state school communities
- complete an SD-1 Principal referral at the same time as the written notice of the proposed exclusion
- provide the student and parent with written notice of the proposed exclusion from the school on the approved form, including a copy of the <u>SD-1 Principal referral</u>
- forward the <u>SD-1 Principal referral</u> to the Regional Director and the written notice of the proposed exclusion
  with any relevant decision-making documentation (e.g. Behaviour Risk Assessment, OneSchool records)
  within five school days
- ensure the student and parent have at least five school days of receiving the proposed exclusion notice to provide relevant additional information or responses to allegations prior to making a final decision
- finalise the decision within 20 school days of providing the student and parent with the proposed exclusion notice
- provide the student and parent written notice of the exclusion decision on the approved form
- may authorise a Deputy Principal, Head of School or Head of Campus to tell a student and parent of the Principal's decision to exclude



respond to any request from the Director-General (or delegate) for information.

### **Regional Directors**

- within two school days of receipt, consider the <u>SD-1 Principal referral</u> and any relevant decision-making documentation (e.g. Behaviour Risk Assessment, OneSchool records) to inform the <u>SD-2 Regional Director</u> <u>referral</u> to the Director-General (or delegate)
- progress the <u>SD-1 Principal referral</u> and the <u>SD-2 Regional Director referral</u> to the Director-General (or delegate), irrespective of the Regional Director's advice in the <u>SD-2 Regional Director referral</u>, and provide a copy of the records to the Principal
- respond to any request from the Director-General (or delegate) for information.

### **Director-General (or delegate)**

- upon receipt, considers the <u>SD-1 Principal referral</u>, <u>SD-2 Regional Director referral</u> and any relevant decision-making documentation (e.g. Behaviour Risk Assessment, OneSchool records)
- considers whether they believe the student poses an unacceptable risk to the safety or wellbeing of certain
  or all state schools, and if exclusion by the principal under section.292 of the Education (General
  Provisions) Act 2006 (Qld) is inadequate to deal with the student's behaviour
- arranges for the student and parent/s to be verbally notified of the proposed exclusion from certain or all state schools
- ensures a decision notice of the proposed exclusion from certain or all state schools is provided to the student and family and signed copies are saved in OneSchool
- finalises the decision within 30 school days of providing the student and parent with the proposed exclusion notice and after considering any relevant decision-making documentation
- records their decision on <u>SD-3 Director-General Exclusion decision notice</u> and ensures copies of signed documents are saved in OneSchool
- arranges for the student and parent/s to be verbally notified of the exclusion from certain or all state schools decision
- sends written notice of the exclusion decision to student, parent/s, Regional Director and Principal.



# Flowchart: Exclusion by Director-General (or delegate) - certain Queensland state schools or all state schools

CONSIDER

Principal considers whether the student's behaviour constitutes one or more of the grounds under section.292, **and** may constitute one or more of the grounds under section.299 of the *Education (General Provisions) Act 2006*, or poses an unacceptable risk to the safety or wellbeing of certain or all state school communities.

RECORD

Principal considers use of the **Risk assessment** — **behaviour, safety and wellbeing** prior to identifying an appropriate disciplinary response or intervention and retains a copy of the completed risk assessment in OneSchool.

**DOCUMENT** 

Principal ensures documentation of how the behaviour meets one or more of the grounds under section.292 and section.299 of the *Education (General Provisions)*Act 2006 (e.g. explaining how the behaviour adversely affects the good order and management of the school and could not be managed at certain or all state schools).

**REFLECT** 

Principal arranges for the student and parent to have the opportunity to view the relevant evidence under consideration about the behaviour (e.g. reports, statements, other documents, video/audio recordings noting that a copy of the recordings should not be provided to the student or parent but they should be invited to view/hear the recordings at the school or elsewhere before the proposed exclusion decision is made).

**DISCUSS** 

Principal ensures the student and parent are offered the opportunity to discuss the allegations with a school staff member and respond if they choose prior to the principal making a disciplinary decision.

DECIDE

Principal makes the disciplinary decision to progress or cease the proposed exclusion process. If **not satisfied** there is a ground for a Director-General (or delegate) exclusion from certain or all state schools, may consider exclusion or suspension from their own school or an alternative consequence. If **satisfied** there may be ground for exclusion from certain or all state schools, continues with the exclusion from certain or all state schools process.

NOTIFY

Principal or authorised officer tells the student and parent of the decision to propose exclusion, the reasons for the proposed exclusion, the date on which the suspension will commence, the referral to the Director-General (or delegate) to consider exclusion from certain or all state schools, and that the final decision about the exclusion from the enrolled school will be made after 20 school days.

ARRANGE

Principal takes reasonable steps to ensure that parents have made appropriate supervision arrangements prior to the student leaving the school grounds, or alternatively isolates and supervises the student until such arrangements are made.

REFER

Principal completes  ${\bf SD-1}$   ${\bf Principal}$  referral at the same time as the written notice of the proposed exclusion.

NOTICE

Principal ensures a record for proposed exclusion is created and a decision notice prepared in OneSchool and ensures it is given to the student and parent as soon as practicable. A copy of all materials used to inform the proposed exclusion, including a copy of the **SD-1 Principal referral**, reports, behaviour risk assessment, statements (not redacted), notifications with attachments, and communication with the student and family is provided to the Regional Director within five school days.

APPOINT

Principal ensures a regional case manager is allocated through OneSchool.

RECORD

Principal ensures signed copies of decision notice (approved forms) and supporting materials relating to the school disciplinary absence decision, including the copy of the **SD-1 Principal referral**, are uploaded in OneSchool.

ACCESS

Principal takes reasonable steps to arrange for the student to access an educational program to allow the student to continue their education during the suspension.

DECIDE

Principal finalises the decision within 20 school days of providing the student and parent the proposed exclusion notice.

DETERMINE

Principal ensures the exclusion decision is updated in OneSchool and, if the decision is to **not exclude**, makes arrangements for the return of the student to school and any necessary support provisions, and notifies the regional director of the decision, including revoking the **SD-1 Principal referral**. If the decision is to **exclude**, determines whether to exclude for a period of not more than one year or to exclude permanently.

NOTIFY

Principal or authorised officer tells the student and parent of the exclusion decision, the reasons for the exclusion and if or when the student can reapply to enrol at the school.

NOTICE

Principal ensures a decision notice is prepared in OneSchool and gives it to the student, parent, regional case manager, regional director and Director-General (or delegate) as soon as practicable. If the decision is to exclude, the notice includes details about how to make a **submission to the Director-General** or delegate and,

RECORD

for permanent exclusions, a **periodic review submission to the Director-General**.

Principal ensures signed copies of decision notice (approved forms) and supporting materials relating to the school disciplinary absence decision are uploaded in OneSchool.

<sup>\*</sup> Failure to make the exclusion decision within the legislated 20 school days will result in the final decision being that the student is not excluded and can return to school.

# Flowchart: Exclusion by Director-General (or delegate) - certain Queensland state schools or all state schools continued

Regional director, within two school days of receiving the SD-1 Principal referral

REVIEW

Regional director considers **SD-1 Principal referral** and the principal's proposed exclusion, including all associated materials relating to the school disciplinary absence decision (reports, statements, communication with student and family).

RECORD

Regional director considers use of the **Risk assessment** — **behaviour, safety and wellbeing** to consider implications of enrolment in any state school in the region and retains a copy of the completed risk assessment in OneSchool.

**REFER** 

Regional director prepares **SD-2 Regional Director referral** and progresses to the Director-General (or delegate) outlining their response to the principal's referral to exclude the student from certain or all state schools, including copies of all records and materials used to inform their own and the principal's referral (**SD-1 Principal referral**).

RECORD

Regional director ensures signed copies of referral and supporting materials relating to the school disciplinary absence decision are uploaded in OneSchool.

**Director-General** (or delegate), upon receipt of the **SD-1 Principal referral** and **SD-2 Regional Director referral** 

REVIEW

Director-General (or delegate) reviews **SD-1 Principal referral**, **SD-2 Regional Director referral** and the principal's proposed exclusion, including all associated materials relating to the school disciplinary absence decision (reports, statements, communication with student and family).

CONSIDER

Director-General (or delegate) considers whether they believe the student poses an unacceptable risk to the safety or wellbeing of certain or any state school community, and if exclusion by the principal under section.292 of the *Education (General Provisions) Act 2006* is inadequate to deal with the disobedience, misbehaviour, conduct or risk.

NOTIFY

Director-General (or delegate) arranges for the student and parent to be told of the proposed exclusion from certain or all state schools.

**PREPARE** 

Director-General (or delegate) ensures a decision notice of the proposed exclusion from certain or all state schools is prepared (approved form), including an opportunity to submit any additional relevant information within a nominated timeframe, and gives it to the student and parent as soon as practicable with a copy of the relevant evidence under consideration about the behaviour (e.g. reports, statements, video/audio recordings).

RECORD

Director-General (or delegate) ensures signed copies of decision notice (approved forms) and supporting materials relating to the school disciplinary absence are uploaded in OneSchool.

DECIDE

Director-General (or delegate), within 30 school days of notifying the student and parent of the proposed exclusion notice, and after considering all of the available information, decides whether to exclude or not exclude from certain or all state schools.

DETERMINE

Director-General (or delegate) ensures the exclusion decision is updated in OneSchool and completed **SD-3 Exclusion decision notice** outlining the decision about the exclusion. If the decision is to **not exclude**, makes arrangements for any necessary support provisions for the student. If the decision is to **exclude**, determines whether to exclude from certain or all state schools in Queensland, for period of not more than one school year or to exclude permanently.

NOTIFY

Director-General (or delegate) ensures the student, parent and regional director are told of the exclusion decision.

NOTICE

Director-General (or delegate) prepares a notice on the approved form and gives it to the student, parent, regional case manager, principal and regional director as soon as practicable. If the decision is to exclude, the notice includes details about how to make a **submission to the Director-General** or delegate and, for permanent exclusions, a **periodic review submission to the Director-General**.

RECORD

Director-General (or delegate) ensures signed copies of decision notice (approved forms) and supporting materials relating to the school disciplinary absence decision are uploaded in OneSchool.



## Submission against an 11-20 day suspension or charge-related suspension

### Parent or student

- prepares a written submission against the suspension decision within five school days of being notified in writing of the suspension decision
- sends submission to the Director-General (or delegate).

### **Principal**

• responds to requests for information from the Director-General (or delegate) in a timely manner.

### **Director-General (or delegate)**

- gathers any information required to address the points raised in the submission and provides de-identified copies of any relevant new materials that were considered to the student and/or parent to allow them to consider the new materials (e.g. a Principal's Report) and to provide a response as soon as practicable
- following consideration of the submission and any other relevant information provided by the student, parent and school, confirms, varies, or sets aside the decision to suspend the student
- verbally notifies the student and/or parent and Principal of the decision as soon as practicable
- creates a notice on the approved form of the decision and sends to the student, parent and Principal as soon as practicable
- uploads signed copies of the decision notice and supporting materials into the student's OneSchool record.

### Submission against an exclusion

### Parent or student

- prepares a written submission against the exclusion decision within 30 school days of being notified in writing of the exclusion decision
- sends submission to the Director-General (or delegate).

## **Principal**

• responds to requests for information from the Director-General (or delegate) in a timely manner.

### **Director-General (or delegate)**

- gathers any information required to address the points raised in the submission and provides de-identified copies of any relevant new materials that were considered to the student and/or parent to allow them to consider the new materials (e.g. a Principal's Report) and to provide a response as soon as practicable
- within 40 school days after receipt of any submission, and following consideration of the submission and
  any other relevant information provided by the student, parent and school, confirms, amends, or sets aside
  the decision to exclude the student from certain or all state schools
- verbally notifies the student and/or parent, Principal and Regional Case Manager of the decision as soon as practicable
- creates a notice on the approved form of the decision and gives it to the student, parent, Principal and Regional Case Manager as soon as practicable



uploads signed copies of the decision notice and supporting materials into the student's OneSchool record.

## Periodic review of submission against permanent exclusion

### Parent (or student)

- until the student is 24 years of age, a request for a periodic review of the exclusion decision is entitled to be
  made each calendar year. These submissions may commence in the calendar year after being notified of
  the permanent exclusion decision. For example, a student whose permanent exclusion decision is finalised
  on 24 October 2019 is entitled to make a submission from 1 January 2020
- sends submission to the Principal who made the exclusion decision or the Director-General (or delegate).

### **Principal or Director-General (or delegate)**

- gathers any information required to address the points raised in the submission and provide de-identified copies of any relevant new materials that were considered to the student and/or parent to allow them to consider the new materials (e.g. a Principal's Report) and to provide a response as soon as practicable
- within 40 school days after receipt of any submission, and following consideration of the submission and any relevant information provided by the student, parent and school, makes a decision to either
  - o revoke the decision: if the disobedience, misbehaviour or other conduct is unlikely to recur if the student was allowed to attend the school or schools; if the student's attendance at the school or schools no longer poses an unacceptable risk to the safety or wellbeing of other students or staff; or it would no longer not be in the best interests of other students or of staff for the student to be enrolled in the school or schools
  - o not revoke the decision to exclude the student
- verbally notify the student and/or parent, Principal and Regional Case Manager of the decision as soon as practicable
- create a written notice on the approved form of the decision and send to the student, parent, Principal and Regional Case Manager as soon as practicable
- upload signed copies of the decision notice and supporting materials into the student's OneSchool record.

# **Definitions**

Term	Definition
Appropriately authorised	Deputy Principal, Head of School or Head of Campus who has been authorised to communicate the decision about school disciplinary absences on behalf of the Principal. The Instrument of Authorisation is used to record this authorisation.
Approved form	An approved form for a school disciplinary absence is the departmental proforma located in OneSchool.
Charge-related ground	As outlined in section.282 of the <i>Education (General Provisions) Act 2006</i> (Qld) (EGPA), a charge-related ground is where the student is either charged with a serious offence or the student is charged with an offence other than a serious



Term	Definition
	offence and the Principal is reasonably satisfied it would not be in the best interests of other students or of staff for the student to attend the school while the charge is pending.
Conduct	Conduct refers to the behaviour of a student specifically described in section.282(c)(d) and section.292(c)(d) of the <i>Education (General Provisions) Act</i> 2006 (Qld). Conduct of a student also includes that which does not happen on school premises, or during school hours. Conduct of a student includes an omission to perform an act by the student.
Disciplinary consequences and decisions	Disciplinary consequences and decisions may include suspension or exclusion of a student. They can also include other strategies such as detention, <u>discipline</u> <u>improvement plans</u> , etc.
	Detentions, discipline improvement plans, drug and alcohol education programs and other disciplinary consequences are optional strategies that can be implemented by a Principal. The range of possible disciplinary consequences should be discussed with the community during the consultation phase of the Student Code of Conduct.
Dealt with	<ul> <li>Dealt with in relation to a charge against a student for an offence means any of the following:</li> <li>the student is acquitted or convicted of the charge</li> <li>the student is convicted of another offence arising out of substantially the same acts or omissions as those constituting the charge</li> <li>the charge is withdrawn or dismissed or a nolle prosequi (a prosecutor's decision to voluntarily discontinue criminal charges either before trial or before a verdict is rendered) or no true bill (the prosecution decides not to present an indictment against an accused person after the accused person has been committed by a Magistrates Court to stand trial in a superior court, thereby ending the prosecution) is presented in relation to the charge.</li> </ul>
Last resort	Means that staff have implemented all evidence based positive and proactive approaches for reducing behavioural risk and they have not reduced that risk or the risk is increasing due to behavioural escalation. Last resort responses of suspension or exclusion are a final course of action when no other alternative is available and likely to reduce risk.
Oral appeals	An independent person may be employed by the department to transcribe the oral appeal of a parent or student. This is a transcription provision only, not intended to prepare or guide the content of the appeal. The submission of the appeal remains the responsibility of the parent or student.

Term	Definition
Parent	A child's mother, a child's father, a person who exercises parental responsibility and a person standing in the place of a parent of a child on a temporary basis. This may include the Office of the Public Guardian or a Child Safety Officer.
Procedural fairness	<ul> <li>Procedural fairness comprises two elements:</li> <li>the right to be told the allegations against you, a reasonable opportunity to see and consider the evidence relied upon by the decision maker, and a reasonable opportunity to present your case and be given a fair hearing before the decision is made;</li> <li>the right to have a decision made by an unbiased decision maker.</li> </ul>
Serious offence	A serious offence as defined by Chapter 1 of the Working with Children (Risk Management and Screening) Act 2000 (Qld)

# Legislation

- Anti-Discrimination Act 1991 (Qld)
- <u>Disability Discrimination Act 1992 (Cwlth)</u> Part 2, Division 2, Section 22
- Education (General Provisions) Act 2006 (Qld) Chapter 12, Division 8 Part 1, 2 and 4
- Human Rights Act 2019 (Qld)
- Information Privacy Act 2009 (Qld)
- Working with Children (Risk Management and Screening) Act 2000 (Qld)

# **Delegations/Authorisations**

- Director-General's delegations under the Education (General Provisions) Act 2006 (Qld)
- <u>Director-General's authorisations under the Information Privacy Act 2009 (Qld)</u>

# Policies and procedures in this group

Nil

# Supporting information for this procedure

- Discipline improvement plan
- Fact sheet Exclusion
- <u>Fact sheet Requests to the Director-General to obtain information from the Queensland Police</u>
   <u>Commissioner</u>
- Fact sheet Role of Regional Case Managers



- Fact sheet Student Code of Conduct
- Fact sheet Suspension (1-10 days and 11-20 days)
- Fact sheet Suspension (charge-related)
- Instrument of Authorisation
- Out-of-school-hours Detention Consent Form
- Principal guidelines Student discipline
- Risk assessment behaviour, safety and wellbeing
- Risk assessment behaviour, safety and wellbeing evaluation form
- SD-1 Principal referral
- SD-2 Regional Director referral
- SD-3 Director-General exclusion decision notice
- Student Code of Conduct full exemplar
- Student Code of Conduct mandatory exemplar
- Student Code of Conduct prompt

## Other resources

- Code of Conduct for the Queensland Public Service
- Department of Education Standard of Practice
- School disciplinary absence decisions and human rights template (DoE employees only)
- Department of Education Human Rights Act 2019 (Qld) information (DoE employees only)
- Cancellation of enrolment procedure
- Enrolment in state primary, secondary and special schools procedure
- Managing risks in school curriculum activities procedure
- Occupational violence prevention procedure
- Refusal to enrol Risk to safety or wellbeing procedure
- Restrictive practices procedure
- School enrolment management plans (EMPs) procedure
- Student protection procedure
- Temporary removal of student property by school staff procedure
- Work experience placements for school students procedure
- Working with children authority procedure
- Accidents, incidents and incident investigations
- A guide to ethical decision-making



# Contact

For more information, please contact your closest regional office.

### Review date

23/01/2023

# Superseded versions

Previous seven years shown. Minor version updates not included.

- 7.0 Safe, supportive and disciplined school environment
- 1.0 Student discipline procedure

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