# Fact sheet Charge-related suspension

SQ0XX

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- the charge is withdrawn or dismissed or the trial is discontinued.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 <u>authorise</u> 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.

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

 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 <u>Risk assessment</u> <u>behaviour</u>, <u>safety and wellbeing</u> 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.



# Flowchart: Charge-related suspensions

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Student is enrolled at the school		AWARE	Principal receives information that a student has been charged with a serious offence (as defined by Chapter 1 of the <i>Working with Children (Risk Management and Screening) Act 2000</i> ) 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 <i>Education (General Provisions)</i> <i>Act 2006</i> 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 <u>Risk assessment — behaviour, safety and wellbeing</u> 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 <i>Education (General Provisions) Act 2006</i> , 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 <i>Working with Children (Risk Management and Screening) Act 2000</i> 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.
		ΝΟΤΙϜΥ	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 <b>regional case manager</b> 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.

\* 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.



