

STUDENT BEHAVIOUR PROCEDURES KINDERGARTEN TO YEAR 12

Implementation document for the Student Behaviour policy

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1 Introduction

These procedures support the Student Behaviour policy and provide practices and strategies to help schools support and enhance pro-social behaviour and manage behaviours of concern. This document also includes the process for suspension and expulsion of students, where appropriate.

Schools will use these procedures to develop and implement a School Behaviour Support and Management Plan (see section 1.2) that is underpinned by the care continuum (section 2.2). Principals will need to implement a whole-school approach to promote positive behaviour and social-emotional learning through prevention, early intervention, targeted intervention and individual intervention.

Meaningful engagement and partnerships between the school, student, parents and carers, and community is fundamental to maintaining positive student behaviour in schools.

These procedures apply to:

- all NSW Government schools (excluding preschools)
- student behaviour
 - at school
 - on the way to and from school
 - on school-endorsed activities that are off-site
 - outside school hours and off school premises where there is a clear and close connection between the school and students' conduct
 - if the student's conduct significantly affects, or is likely to significantly affect, the health, learning and safety of students or staff
 - when using social networking sites, mobile devices and/or other technology involving another student or a departmental staff member for school related issues.

Principals acting in accordance with the Student Behaviour policy and these procedures are acting with the authority of, and are supported by, the NSW Department of Education.

These procedures supersede the Suspension and Expulsion of School Students Procedures – 2011.

Delegations:

Section 35(1) of the Education Act 1990 (NSW) allows the Minister to control and regulate student discipline in government schools.

Under s119 of the Education Act 1990 (NSW), the Minister or the Secretary may delegate to any person or body the exercise of any of their respective functions under the Act. Principals, teachers, and school staff acting in accordance with established policy and these procedures are acting with the authority of the NSW Department of Education and are strongly supported.

In these procedures, 'principal' also refers to any staff member who has delegation to act on the principal's behalf.

1.1 Principles underlying the Student Behaviour Procedures

These procedures aim to increase student engagement and learning through safe and inclusive positive behaviour support. Promoting positive behaviour requires schools to access supports as early as possible and for the system to be responsive to needs identified by schools.

The following principles underpin these procedures:

- a student-centred, positive, strengths-based approach
- implementing the care continuum, which involves
 - a strategic whole-school approach
 - explicitly teaching social and emotional skills and behaviour expectations
 - being proactive and prevention-focused
 - using relationship-based and restorative approaches to student behaviour
 - implementing effective programs, practices and processes
- encouraging collaborative partnerships between schools, students, parents and carers, and community members
- supporting school staff in
 - engaging and supporting school leaders, teachers and specialist staff
 - assessing and monitoring school, student and staff needs
- high standards of behaviour from students and the professional conduct of staff create a positive, safe, inclusive and respectful school environment
- ensuring a safe working and learning environment for everyone at the workplace consistent with the Work Health and Safety (WHS) policy.

The Student Behaviour policy and these procedures, together with the School Excellence Framework and the Wellbeing framework for schools, provide a strategic and planned approach to develop whole-school processes that support the wellbeing of all students so they can connect, learn, succeed and thrive. Wellbeing, teaching and learning are parallel, integrated and complementary processes.

1.2 Developing a School Behaviour Support and Management Plan

Behaviour support planning assists schools to provide guidance to school staff and support for its students.

All schools must develop their own School Behaviour Support and Management Plan (PDF 120 KB). To comply with the Student Behaviour policy, the plan must:

- communicate a strategic, integrated whole-school approach
- incorporate a multi-tiered care continuum to support all students, including a focus on proactive prevention, early intervention, and targeted and individual interventions
- establish and maintain high expectations for student behaviour, in line with the Behaviour Code for Students (PDF 83 KB), through effective role modelling, explicit teaching and planned responses
- establish expectations for parents and carers to engage with the school in developing and implementing student behaviour management strategies in line with the School Community Charter
- embed inclusive and equitable practices to promote positive student behaviour and a climate of respect (for example, teaching of social and emotional learning skills)
- include strategies that recognise, reinforce and teach inclusive and safe behaviours in line with the curriculum, and manage the range of student behaviours

- ensure that all students can access and participate in education with reasonable adjustments, in line with the [Inclusive Education policy for students with disability](#) and meet the obligations under the [Disability Standards for Education 2005](#)
- be developed in consultation with the school community as appropriate, including students, parents and carers, teachers, school leaders, school-based non-teaching staff, school counselling staff, other agencies and local school reference groups (in Connected Communities schools)
- include the school's [anti-bullying plan](#), in line with the [Bullying of Students - Prevention and Response policy](#)
- ensure a safe working and learning environment for everyone at the workplace consistent with the [Work Health and Safety \(WHS\) policy](#).

Schools must consider the [School Excellence policy](#), [School Excellence Framework](#), [Wellbeing framework for schools](#) and [School Community Charter](#) when developing their School Behaviour Support and Management Plan. The [Achieving School Excellence in Wellbeing and Inclusion](#) resource integrates these frameworks and provides support for schools so the wellbeing initiatives and programs can be used as evidence of excellence across the School Excellence Framework.

Further [guidance \(PDF 120 KB\)](#) and a [template \(DOCX 99 KB\)](#) for the School Behaviour Support and Management Plan is available on the department website, including [behaviour planning tools](#).

1.3 Embedding the principles of inclusive practices and procedural fairness

1.3.1 Inclusive practices

Every student has the right to an education.

To enable staff to create inclusive, engaging and respectful schools, some circumstances exist where behavioural interventions are necessary. Principals, teachers, and school staff should seek to understand and support each student's individual needs. This involves responding accordingly to individual circumstances and the reasons for student behaviour.

Under the [Inclusive Education policy for students with disability](#), inclusive education is defined as all students, regardless of disability, ethnicity, socioeconomic status, nationality, language, gender, sexual orientation or faith, are able to access and fully participate in learning, alongside their similar aged peers, supported by reasonable adjustments and teaching strategies tailored to meet their individual needs. Inclusion is embedded in all aspects of school life, and is supported by culture, policies and everyday practices (see the [Inclusive Education policy for students with disability](#), the [Disability Standards for Education 2005](#), the [Disability Discrimination Act 1992 \(Cth\)](#), and the [Anti-Discrimination Act 1977 \(NSW\)](#)).

To support the wellbeing, teaching and learning of Aboriginal students, schools need to develop and sustain culturally secure and genuine collaborative partnerships with Aboriginal families and communities. Schools must comply with relevant departmental commitments, including the [Aboriginal Education policy](#), the [Partnership Agreement with the NSW Aboriginal Education Consultative Group Inc.](#) (AECG) and the [Connected Communities Strategy](#).

Considering the individual circumstances of students in statutory out of home care¹ will help schools enhance and support these students' participation, retention, educational outcomes and wellbeing. Schools should work in partnership with carers and caseworkers of students in out of home care to maximise engagement and support for these students. The requirements relating to students in statutory out of home care are set out in the [Out of Home Care in Government Schools policy](#).

The [Rural and Remote Education Strategy \(2021-2024\)](#) details the plan to improve the lives of students in rural and remote communities through a whole-systems approach. This includes ensuring rural and remote students are engaged in learning and rural and remote schools can access safe and inclusive positive behaviour support.

Effective communication with parents and family members from diverse cultural, linguistic and religious backgrounds helps promote equitable access to education. Understanding the experiences of these students and their parents, including diverse family structures and previous experience with government institutions, helps schools provide better support. Schools also need to comply with relevant departmental policies, including the [Multicultural Education policy](#) and the [Anti-Racism policy](#).

The gender or sex of a student may also inform their individual circumstances. Sexism (including sexual harassment of any person) and discrimination regarding sexual orientation or gender identity are all grounds of discrimination under the [Anti-Discrimination Act 1977 \(NSW\)](#) and the [Sex Discrimination Act 1984 \(Cth\)](#). Schools can also refer to the Legal Issues Bulletin on [Transgender students in schools](#) for guidance.

Understanding the student's context and lived experiences will equip schools with the information necessary to provide meaningful support.

1.3.2 Procedural fairness

The principles of [procedural fairness](#) underpin these procedures and are fundamental for implementing the [School Behaviour Support and Management Plan \(PDF 120 KB\)](#). Essential elements of procedural fairness include an individual's right to be heard and to a fair and impartial decision, which also includes the right to:

- know why the action is happening
- know how issues and decisions will be determined
- know the allegations in the matter and any other information the decision maker considers
- respond to any allegations made against an individual
- appeal the decision to suspend or expel, and be informed of their right to do so
- impartiality and an absence of bias in the investigation and decision-making processes.

[Translated documents and information on the telephone interpreter services](#) are available on the department website and may be required for procedural fairness.

¹ 'Out of home care' means children and young people who are subject to an order of the court that allocates parental responsibility to the Minister for Communities and Justice, or for whom the Secretary of Communities and Justice has guardianship or care responsibility, or children in the parental responsibility of the Minister (where that includes residence) by an interstate transfer, or wards of another state or territory for whom the Minister is providing services while they are in NSW.
NSW Department of Education | PD-2006-0316-06-V02.0.0
If this is a printed document, refer to the department's Policy Library for the most recent version.

1.4 Data collection and record keeping

Schools should use data collection methods, as outlined in this section, to identify and monitor students who require targeted or individual behaviour support.

Principals, with support from school staff, should collect and retain information on student behaviour, including actions taken to support and manage individual student behaviour and any support strategies implemented or reasonable adjustments required. This helps schools monitor the impact of the support they are providing to students.

Effective data collection and record keeping practices include:

- keeping records and documentation of behaviour support responses and interventions
- recording suspensions in the department's in-house data system or ensuring that any suspensions recorded in a compliant third-party behaviour management system are regularly and accurately transferred into the department's in-house data system
- recording expulsions in the department's in-house data system
- keeping individual student support planning documentation for students where their behaviour/s of concern require interventions and support
- documenting risk management plans
- documenting decisions made, the reasons for those decisions and processes followed
- documenting any considerations given to implementing reasonable adjustments
- keeping records of any consultation, or attempts at consultation, with students, parents and carers, and external agencies to discuss a student's behaviour.

Principals should, where permissible and appropriate, share individual student records with parents and carers, or with the Department of Communities and Justice or other authorised agency for students under Parental Responsibility of the Minister.² The [Right to Access – Agency Information Guide](#) on the department website provides more guidance on information sharing.

² Requests for information should be provided to officers from Communities and Justice in response to a request for information under Part 16A of the Children and Young Persons (Care and Protection) Act 1998 or where the release of such information is otherwise authorised, such as where the Minister for Communities and Justice has parental responsibility for the child. Relevant details must also be provided to agencies such as Centrelink upon receipt of any 'Notice to Produce Information' or similar directive.

2 Supporting positive behaviour across the care continuum

All students should be supported to learn developmentally appropriate positive behavioural responses to the large range of social and cultural situations they may encounter.

School staff, including principals, teachers and support staff, will:

- support students to meet the high standards of behaviour expected to create positive, safe, inclusive and respectful communities
- establish and explicitly teach behaviour expectations
- implement whole-school practices and strategies to support the long-term learning, wellbeing and safety of all students
- partner with students, parents and carers, caseworkers and support services to create and implement effective behaviour support interventions that reflect the student's age, individual learning and wellbeing needs, and developmental level
- engage in current professional learning opportunities to expand their skills in supporting student behaviour.

There are effective practices and strategies that school staff can use to reinforce positive behaviours, available in the [care continuum](#) resource on the department's website.

[Professional learning](#) that supports the implementation of effective practice and strategies in behaviour support is available on the department's website.

Schools should also support students transitioning to a new school to have a positive experience. A successful transition is critical in helping improve the student's educational and social and emotional outcomes. Positive transitions to school help students feel more comfortable, engaged, relaxed and motivated to learn. This helps them form positive behaviours and relationships with others, including school staff and other students.

If required, the principal will lead a review of behaviour expectations, interventions and practices and coordinate and implement a whole-school approach across the care continuum.

2.1 Responding to behaviour

In NSW, all children and young people have a right to an education, where students can access and fully participate in learning. To enable staff to create inclusive, engaging and respectful schools, and ensure a safe working and learning environment for everyone at the workplace consistent with the [Work Health and Safety \(WHS\) policy](#), some circumstances exist where behavioural interventions are necessary.

Effective planning for behaviour support provides the foundation so that all students are supported to be engaged learners, and model positive behaviour or decrease behaviours of concern.

Before deciding on the most appropriate way to respond to behaviour, principals, teachers and school staff need to:

- identify the form, nature and function of the behaviour
- understand the context in which the behaviour occurred and any previous incidents
- establish whether the behaviour is developmentally appropriate
- consider any other relevant circumstances or information.

Principals, teachers and school staff, in collaboration with Delivery Support where needed, should go beyond observing behaviour, and seek to understand the underlying and/or unspoken purpose or reason for the behaviour. A key to understanding behaviour is to understand the following aspects:

- form – the observable behaviour, what are they actually doing?
- function – the underlying cause, what is the goal or purpose of the behaviour? What is the behaviour trying to communicate? Is it to help meet a need, attract attention, gain or avoid an internal or sensory sensation, access an item or activity, or get away from something? What is being communicated through use of body language, facial expressions, gestures and silence?
- context – the environmental setting and personal circumstances that influence an individual response, where does the behaviour occur? What happens immediately before and after?

In identifying and understanding student behaviour, principals, teachers, and school staff must consider the student's individual circumstances and whether these are impacting their ability to positively engage with their learning. Such circumstances may involve but are not limited to:

- disability
- trauma background
- cultural and religious background
- interactions with other systems such as out of home care, Juvenile Justice or Mental Health
- socioeconomic disadvantage.

2.1.1 What constitutes a 'behaviour of concern'?

A **behaviour of concern** is defined as a challenging, complex or unsafe behaviour that requires more persistent or intensive interventions.

A behaviour of concern does **not** include low-level, developmentally appropriate behaviours, such as testing boundaries and rules, which can be redirected and minimised through universal behaviour support strategies.

2.2 The care continuum

Students can present a range of behaviours, and the needs of an individual student can range across tiers of support, from universal and preventive support, through targeted or secondary supports, to tertiary or intensive interventions.

Children and young people's behaviours can include:

- positive, inclusive and respectful behaviours
- low-level, developmentally appropriate behaviours (see section 2.1.1)
- challenging and complex behaviours of concern due to the nature, frequency or duration of the behaviour, which can be minimised though more persistent and planned guidance and support (targeted or secondary supports or interventions beyond universal strategies are required to support the student's individual needs)
- unsafe behaviours of concern where the behaviour is unsafe to the student, staff or other students, or puts the student or others at risk of psychological or physical harm. Behaviours at this end of continuum require intensive and individualised interventions in addition to targeted and universal strategies.

Meeting the diverse wellbeing and behaviour support needs of students can be a complex and challenging task. School-based preventative, early intervention and individual student interventions are effective in improving a range of behaviour outcomes for students. Using the care continuum as a starting premise can help schools consistently adopt a prevention-focused approach and address the full range of student needs. The care continuum includes:

- universal prevention and protection practices and strategies for promoting positive behaviours for all students – schools aim to establish and maintain safe, respectful learning environments through implementing preventive, whole-school practices and programs
- early intervention for some students – schools develop a range of initial responses and approaches to work with students displaying emerging, low-level behaviours of concern
- targeted intervention for some students – some students may require targeted support to encourage positive behaviours, particularly if they exhibit more complex and challenging behaviours
- intensive and individual intervention for students with complex and challenging needs – students with highly complex and challenging behaviours may need comprehensive systems of support.

To support student needs, principals, teachers and school staff should access expertise and assistance as needed and as early as possible. The department, along with some external agencies, has a responsibility to respond to school requests with a range of resources that provide further support for managing student behaviour, including support from:

- school learning and support teams
- Delivery Support teams (school based and non-school based)
- Specialist Allied Health and Behaviour Support Provider Scheme
- Health and Safety (Safeguarding Kids Together)
- professional learning.

Directors, Educational Leadership support the implementation of the care continuum in their network schools by ensuring schools get the right support from the system as early as possible. More information on the care continuum and how to apply it is available on the department website.

2.3 Strategies to support student needs and manage behaviours of concern

Principals and school staff should decide on the appropriate further actions, in proportion to the student's behaviour of concern and the student's individual needs and circumstances. This can include drawing in support from experts internal and external to the department.

The School Behaviour Support and Management Plan (PDF 120 KB) should incorporate strategies and practices to support or manage behaviours of concern. Information on best practices and strategies are available in the Applying the Care Continuum resource and the School Behaviour Support and Management Plan template (DOCX 99 KB) and guidance (PDF 120 KB).

3 Suspension

Principals should use preventive, whole-school strategies and practices across the care continuum to support positive behaviour (see [section 2](#)). Suspension is the removal of a student from a school for a period of time. The purpose of the suspension is to allow the school to implement appropriate supports in the absence of the student to mitigate the unacceptable risks to health, safety, learning and wellbeing posed by the student's complex and challenging behaviour. In some situations, after considering the relevant factors in this section, a principal may decide that a suspension is the most appropriate response.

Suspension is not intended as a punishment. Suspension allows time for the school to plan appropriate support for the student to successfully re-engage with learning at school. To comply with the [Student Behaviour policy](#), principals should prioritise inclusive methods in managing behaviour.

Principals should only use suspension under certain circumstances (see the grounds for suspension at [section 3.3](#)). If required, a principal may consider a suspension in line with the procedures outlined below. Only principals (or delegated person when absent) have the delegated authority to suspend a student from their school.³

Principals should only issue a suspension after first considering all possible alternative behaviour support measures. In most circumstances, support for students' needs should be provided well before considering suspension as an action. Schools do not need to wait until a suspension is being considered to request or obtain support for students.

Subject to safety considerations, it is a priority to have the student back at school and engaged in learning as soon as possible. However, suspension can be a critical safeguard if student behaviour poses a risk to the safety, health, learning and wellbeing of others and allows time for schools to implement measures needed to ensure compliance with the [Work Health and Safety \(WHS\) policy](#).

Use the [behaviour management flowcharts](#) for a structured overview and to facilitate decision-making under this section.

3.1 Considering suspension as an action

Suspension is a serious action and principals should only consider suspension when other appropriate behaviour support options have been attempted or implemented and given time to be effective but have not been successful in resolving behaviours of concern. In some circumstances, the principal may determine that a student should be suspended as a first response to a behaviour of concern because there are immediate and significant risks to health, safety and wellbeing for students or staff that cannot be mitigated with the student at school.

When deciding if suspension is an appropriate and proportionate action, principals need to consider a range of factors, including, but not limited to those set out in Table 1.

³ Under s35(3) of the [Education Act 1990 \(NSW\)](#), the Secretary, Department of Education, may suspend any child from a government school.

Table 1 Factors when considering a suspension

Factors to consider	Elements
The behaviour of concern	<ul style="list-style-type: none"> • the nature of the behaviour for which suspension is being considered, including but not limited to: <ul style="list-style-type: none"> – whether it is developmentally appropriate – the context or circumstances in which the behaviour occurred – functional analysis of the behaviour (what is the behaviour’s purpose? What is driving the behaviour? What is the behaviour of concern trying to achieve for the student?) – whether it meets the grounds for suspension (see section 3.3) • whether it was required to issue a valid formal caution to the student for the behaviour of concern (see section 3.2) • any previous incidents or interventions to address prior behaviour/s of concern.
The student	<ul style="list-style-type: none"> • the student’s educational and safety needs • the student’s individual circumstances, including but not limited to: <ul style="list-style-type: none"> – disability and any reasonable adjustments already in place or required to be implemented in line with the Disability Standards for Education 2005 before deciding to suspend (see Inclusive Education Policy for students with disability and Legal Issues Bulletin – Disability Discrimination) – trauma background – cultural and linguistic background – interactions with out of home care – socioeconomic disadvantage • the potential impact on the student’s learning and wellbeing, or that of other students around them • whether the student has been suspended before, and the circumstances of that prior suspension • any child protection issues or considerations (see Child Protection Policy: Responding to and reporting students at risk of harm).
Additional principal responsibilities	<ul style="list-style-type: none"> • ensuring the early involvement of appropriate support personnel available within the school system and externally • considering whether the principal’s intended action is proportionate to the behaviour of concern • embedding procedural fairness and inclusive education principles.

If, after considering all factors in Table 1, a principal determines that a suspension is appropriate, the principal must also consider:

- the student’s wellbeing, risk and potential vulnerability before implementing a suspension
- the timeframe of the suspension (see [section 3.5](#))
- where feasible, whether students may continue to attend alternate programs while on suspension (see [section 3.5.7](#)).

3.2 Providing a formal caution to suspend

Principals should provide a student and their parents or carers with a formal caution to suspend for a particular behaviour of concern before proceeding with a suspension. In certain circumstances, the principal may determine that a student should be suspended without issuing a formal caution to suspend because there are immediate and significant risks to health, safety and wellbeing for students or staff that cannot be otherwise mitigated.

The purpose of the formal caution to suspend is to provide a circuit breaker for the student to understand the impact of their behaviour/s of concern and engage them with positive behaviour supports. It is critical that this time is used by the school to implement any further supports or reasonable adjustments needed by the student. This may involve seeking assistance from external specialists or Delivery Support to provide further adjustments and tailor positive behaviour supports to engage the student with their learning.

Before issuing the formal caution, principals must attempt to contact the student's parent or carer to inform them of the formal caution and encourage partnership in the process of engaging supports for their child's learning.

In line with procedural fairness principles, a formal caution must:

- be in writing (for example, a letter or email). A [formal caution to suspend template \(DOCX 55 KB\)](#) is available on the [department website](#)
- detail the behaviour/s of concern
- provide clear behavioural expectations for the student
- advise the expiry date for the formal caution
- be provided to the student and their parents or carers
- highlight the importance of parental engagement in managing student behaviour and the potential to develop solutions together
- provide parents and carers the opportunity to meet with the school, principal and relevant services to respond to the caution and discuss how to better support the student in their behaviour. The meeting may be face-to-face, online, or over the phone
- advise that the student and parent or carer has the right to a support person in any meeting with the school
- be documented on the department's in-house data system or approved third party system.

Students issued with a formal caution to suspend will not automatically proceed to suspension, even if the behaviour of concern continues. Principals have the discretion to decide the appropriate next steps on a case-by-case assessment, including whether it remains appropriate to proceed to a suspension. Principals should consider the whole context of the student and the behaviour identified in the formal caution when determining next steps.

If a student attends more than one learning environment or has a shared enrolment, the principal issuing the formal caution must advise the principal of the other setting of the formal caution and the circumstances that led to the decision to issue the formal caution as soon as possible.

Students issued with a formal caution to suspend should not be marked as suspended.

3.2.1 Validity and timeframe of a formal caution

The formal caution allows for a focused period of collaboration between the student, school staff and parents and carers. This period should be used to apply a positive and strengths-based approach to ensure the student understands the impact of their behaviour/s of concern and provide enhanced opportunities to engage the student in their learning. A formal caution is valid for up to 50 school days from the date the caution is issued. This timeframe allows the principal, school learning and support team, student, parents and carers, and any other support persons and services to:

- meet to discuss the behaviour/s of concern, the interventions already in place and further actions to support the student. Principals must document any formal meetings and any agreed actions
- put in place further strategies and access supports where appropriate
- review or co-develop individual student support planning. Guidance on behaviour support planning and optional templates are available on the [Behaviour Support Toolkit](#)
- support the student to take steps to resolve their behaviour.

A formal caution is only valid within the same calendar year and cannot be carried over into the next calendar year, unless agreed with a Director, Educational Leadership.

Principals may only issue one formal caution to a student at a time. However, if a student displays a new or different behaviour/s of concern during the 50 school days, the original caution should be replaced and a new caution issued. The new caution can include all of the behaviour/s of concern or just the new behaviour/s of concern at the principal's discretion.

Timeframes for the validity of the formal caution will be calculated as up to 50 school days from the date the most recent caution is issued. No extension is available beyond the 50 school days.

3.3 Grounds for suspension

Principals may use suspension as a behaviour management response. Principals must consider factors in [section 3.1](#), including whether possible and appropriate alternative behaviour support measures have been implemented or attempted, and believe that a student's behaviour/s of concern:

- causes **actual harm** to any person; or
- poses an **unacceptable risk to health and safety, learning, and/or the wellbeing** of any person, including where such a risk is posed by
 - a student's continuing, consistent, unproductive and disruptive behaviour that results in a detrimental impact on the educational interests of other students and all possible interventions and supports to redirect or minimise this behaviour have already been attempted
 - a student's behaviour that causes damage to or the destruction or loss of property.

Actual harm or unacceptable risk to health, safety, learning and/or the wellbeing of any person may include the student exhibiting the behaviour/s of concern.

Behaviours of concern could include physical violence, verbal abuse or psychological abuse. Other examples may include:

- bullying (see [Bullying of Students - Prevention and Response policy](#)) and cyber-bullying (see [Cyber-bullying of staff Legal Issues Bulletin](#))
- drugs in schools (see [Drugs in Schools policy](#))
- weapons and knives in schools (see [Knives in schools Legal Issues Bulletin](#))
- assault (see [Assault harassment, stalking and intimidation of students and staff at school Legal Issues Bulletin](#))
- racism or discrimination, including that based on sex, race, religion, disability, sexual orientation or gender identity (see [Anti-Racism policy](#))
- mis-use of technology (see [Technology misuse in schools Legal Issues Bulletin](#)).

3.4 Proceeding with a suspension

If a principal decides to proceed with a suspension, they will:

- notify the relevant people ([section 3.4.1](#))
- provide the student and parents or carers the opportunity to meet with the school, principal and/or relevant services to respond to the decision and discuss how to better support the student in their behaviour. The meeting may be face-to-face, online, or over the phone. Principals must document any formal meetings and agreed actions
- advise that the student and parent or carer has the right to a support person in any meeting with the school. A support person may be someone who can provide the student, parent or carer with practical and/or emotional support
- record the suspension on the department's in-house data system within 24 hours of notifying relevant people, including where schools use a third-party system to manage student behaviour
- complete the [suspension checklist \(PDF 295 KB\)](#) as soon as possible (recommended)
- consider that the suspension will be at home (see [section 3.1](#))
- ensure that attendance is correctly marked for the student for the duration of the suspension
- complete or revise existing individual student support planning, in partnership with the student, school learning and support staff, parents and carers, and other persons providing support. This should incorporate a plan for the student returning to school (see [section 3.5.5](#)) and following their return, to ensure the suspension is resolved successfully (see [section 3.5.6](#))
- share a completed copy of individual student support planning with the student and parent or carer, or other relevant people
- ensure all documentation is retained on file at the school and made available to the Director, Educational Leadership on request.

Teachers, with support from learning and support staff and using the [learning remotely](#) resources, will arrange for the student to have an at-home learning program that covers the suspension period.

3.4.1 Notifying the relevant people of the suspension

The notification process is critical for procedural fairness. It is a mechanism for the school to open formal communication channels and encourage engagement in the return to school planning meeting.

Once the principal has formalised the details of the suspension, within 24 hours they must notify:

- the student, verbally where appropriate
- parents or carers in writing (email, express post, or printed and given to the parent or carer directly in person). Where principals are unable to provide the written notification to parents or carers within 24 hours, they must:
 - give a verbal notification within 24 hours
 - keep a file note of the conversation for best record keeping practices
 - follow up the verbal notification with a written notification as soon as possible
- Directors, Educational Leadership verbally and/or in writing (unless agreed with the Director, Educational Leadership that this is not required).

The suspension cannot begin until the principal has taken all reasonable steps to ensure that sufficient notification is delivered to the parent or carer.

Where possible and with student, parent or carer permission, principals should consider advising external services with which the student already has contact, including but not limited to psychologists, paediatricians, the Child and Adolescent Mental Health Service, and Outside School Hours Care providers.

Principals can use the [notice of suspension template \(DOCX 68 KB\)](#) for written notifications. The notification for all suspensions must include:

- the ground/s and any specific reasons for the suspension
- the timeframe of the suspension, including the duration, start and end dates, or any other details
- a learning program
- clear expectations that the student will continue a learning program while suspended
- contact details of a nominated person from the school
- information for students and parents and carers on accessing support services, where relevant
- expectations for parents and carers to positively engage with the school to manage student behaviour and develop solutions together
- the importance of parents' and carers' involvement with the student and school in resolving the suspension
- parent and carer information, which includes information concerning appeal rights and processes and an appeal template
- clear expectations that the student should not be on school grounds without the principal's prior permission
- notification that the school will not have duty of care for the student as the suspension is occurring at home, the parent or carer will be responsible for their child's care and safety.

The principal cannot release the student from school before the end of the school day, without having notified the parents or carers and reached agreement about arrangements for collecting the student from school. Until the arrangements are made, principals must ensure adequate supervision is provided for the student at school. When a student has special transport arrangements, the school must notify the transport provider of the suspension, following notification to the parents or carers.

3.5 Suspension timeframes and implementation

3.5.1 Maximum consecutive school days for a suspension

Principals must determine the appropriate number of school days for a suspension and will give the shortest number of days needed to implement supports for the student after considering the factors outlined in [section 3.1](#). The maximum number of days for any suspension are:

- for students in Kindergarten to Year 2, the maximum number of consecutive school days for a suspension is 5 school days
- for students in Year 3 to Year 12, the maximum number of consecutive school days for a suspension is 10 school days.

If the maximum number of consecutive school days are insufficient to implement appropriate supports for the student or to put in appropriate safety measures, the principal:

- must refer the matter to the Director, Educational Leadership who will support the school to consider a range of measures to resolve the issues
- may extend the suspension for a maximum of 5 additional school days, following consultation with the Director, Educational Leadership (see [section 3.5.4](#)).

Principals cannot impose on an individual student:

- 2 consecutive suspensions (where the student has not had the opportunity to return to school in the meantime)
- more than 3 suspensions per calendar year without the approval of the Director, Educational Leadership
- a suspension to carry over from one calendar year to the next.⁴

After 3 suspensions involving an individual student within a calendar year:

- Directors, Educational Leadership will review the school's processes, documentation and the supports given to the student, and collaborate with the principal, school learning and support team, and the Delivery Support team to determine alternate strategies to re-engage the student in learning and/or escalate for additional support for the student and school
- principals will need to consider other strategies to re-engage the student in learning. Principals can obtain further support from their local Delivery Support team
- principals should consult or seek advice from school counselling staff, where appropriate
- principals will provide the Delivery Support team and/or the Director, Educational Leadership any individual student support planning documentation, risk management plans, Personalised Learning Plans, completed Suspension Checklist, return to school meeting plans, and any other documents used in the suspension process.

⁴ In circumstances where the risk to student health and safety and wellbeing cannot be mitigated in the days left at the end of Term 4, the principal may negotiate with the Director, Educational Leadership to carry suspension days over into Term 1 of the following year.

Directors, Educational Leadership must consider each request to go beyond 3 suspensions for an individual student on its individual merit. This approval process should ensure that students and schools receive additional system support as needed and appropriate for the individual circumstances. Where requests are rejected, Directors, Educational Leadership must:

- communicate their reasons for the decision with the principal
- provide advice on next steps in managing the behaviour in the absence of the suspension
- escalate any needs for additional support.

3.5.2 Maximum days of suspension across a calendar year

In addition to the above requirements on consecutive school days for a suspension, there are restrictions on the total number of school days that a student can be suspended for in a calendar year:

- For students in Kindergarten to Year 2, the maximum number of school days in total for a calendar year, for any number of suspensions and extensions, is 30 school days.
- For students in Year 3 to Year 12, the maximum number of school days in total for a calendar year, for any number of suspensions and extensions, is 45 school days.

If a principal needs to impose more than the maximum days of suspension across a calendar year, they can request that their Director, Educational Leadership approve this action. The approval must be confirmed in writing by the Director, Educational Leadership after consultation with the Director, Delivery Support. The principal and Director, Educational Leadership must collaborate and take an active case management approach when considering alternate ways the system can support and engage the student.

Directors, Educational Leadership must consider each request to go beyond the maximum days for suspension on its individual merit. This approval process should ensure that students and schools receive additional system support as needed and appropriate for the individual circumstances. Where requests are rejected, Directors, Educational Leadership must:

- communicate their reasons for the decision with the principal
- provide advice on next steps in managing the behaviour in the absence of the suspension
- escalate any needs for additional support.

3.5.3 During a suspension

Suspension should not prevent a student from continuing their learning. The school must attempt to check in with the student, parent or carer regularly during the suspension period to ensure continuity of learning and wellbeing. The nominated person identified in the notification of the suspension should:

- confirm that continuity of learning provisions and learning support appropriate for the individual needs of the student have been established
- check on the student's wellbeing and progress with studies and arrange for more work to be provided, where practical
- initiate conversations regarding the student's return to school, including the return to school planning meeting.

3.5.4 Extension of time for any suspension

Where a principal originally issues a suspension with fewer days than the maximum consecutive school days for a suspension under [section 3.5.1](#), they are able to increase the length of the suspension up to those maximum days if required without it being considered an extension under this section.

If there is insufficient time to implement supports for the student or safety risks cannot be addressed within the maximum consecutive school days for a suspension under [section 3.5.1](#), the principal may extend the suspension for up to 5 additional school days following consultation with the Director, Educational Leadership. This would extend the suspension to a total of:

- 6 to 10 school days for students in Kindergarten to Year 2
- 11 to 15 school days for students in Years 3 to 12.

The requirements in [section 3.5](#) on maximum days of suspension must be met.

The principal should consult the Director, Educational Leadership as soon as it becomes clear that the suspension period is not long enough to implement the necessary supports to mitigate the safety risks.

The principal must record the extension in the department's in-house data system as soon as possible or ensure that such recordings in a compliant third-party behaviour management system are regularly and accurately transferred to the department's in-house data system and notify the parents or carers in writing as soon as possible and before the end of the initial suspension. This does not preclude initial verbal communication.

The written notification of the extension must include:

- the reason for the additional days, the number of additional days and the new conclusion date
- any revisions to the supports in place for the student.

If a principal seeks an extension of more than 5 school days, the extension must be approved by the Director, Educational Leadership following consultation with the Director, Delivery Support. This would extend the suspension to a total of:

- 11 or more school days for students in Kindergarten to Year 2
- 16 or more school days for students in Years 3 to 12.

Directors, Educational Leadership must consider the request for an extension of more than 5 school days on its individual merit. This approval process should ensure that students and schools receive additional system support as needed and appropriate for the individual circumstances. Where requests are rejected, Directors, Educational Leadership must:

- communicate their reasons for the decision with the principal
- provide advice on next steps in managing the behaviour in the absence of the extension
- escalate any needs for additional support.

The principal should email the Director, Educational Leadership as soon as it becomes clear that an extension of more than 5 school days is necessary to implement supports and mitigate the safety risks. The email must:

- advise the number of additional days requested
- provide the reason/s for the request and what the additional time will be used for
- where applicable, advise of any suggested revisions to the supports in place for the student
- where applicable, advise of any further recommendations from specialists or Delivery Support.

The principal may provide the above information by pre-filling the [Suspension Extension Request Checklist \(PDF 880 KB\)](#) and emailing it to the Director, Educational Leadership.

The Director, Educational Leadership has the discretion to approve or decline the principal's request for an extension of more than 5 school days in part or in full. The director should:

- consider the principal's request as soon as possible and before the end of the initial suspension period
- use the [Suspension Extension Request Checklist \(PDF 880 KB\)](#) to guide their decision on the extension request
- email the principal with their decision
- advise the number of additional days approved
- provide any reason/s for their decision if the request is rejected in part or in full
- remind the principal to notify the parents or carers immediately.

3.5.5 Plan for return to school (including 'return to school planning meeting')

In all cases of suspension, it is important to consider the student's transition back into school and plans to minimise any further disruption to their learning and the learning of others.

Principals must return the student to school on or before the concluding date of the suspension.

In planning for the student's return to school, the following must occur as soon as possible after notifying the relevant people of the suspension (see [section 3.4.1](#)) and before the student's return to school:

- a 'return to school planning meeting' to plan the student's re-engagement with learning at school
 - should be held face-to-face, or alternatively, online or over the phone. Determination of the meeting environment should be based on what will be most conducive to a positive and productive conversation
 - may include the following attendees – principal or delegate, student, parent/carer or other support person nominated by the student (for example, a local or regional Aboriginal Education Consultative Group [AECG] support person), other support person for the parent/carer, school counsellor or psychologist, learning and support staff, and any other relevant persons involved in the student's wellbeing and support
 - must have outcomes documented from individual student support planning
 - must have a record of the meeting occurring. File notes of the meeting should be kept in school files
- principals should consider supports to address the underlying function of the student's behaviour as part of the planning for their return
- principals, with support from the school learning and support team, should undertake a risk assessment and develop strategies to minimise and manage the risks the student may pose to themselves, students, staff, or other persons, and incorporate these into individual student support planning
- staff who will have contact with the student should be informed of the risks and the strategies to minimise and manage them as outlined in the individual student support planning
- principals should consider the possible or ongoing involvement of the learning and support team, school counselling staff, and/or Delivery Support team
- principals should consider contacting their Delivery Support team as needed to develop strategies to safely return the student to school. Please see the [Return from suspension resource \(PDF 143 KB\)](#) for more guidance on returning a student from suspension.

The school must continue to engage with relevant internal and external services and staff before and during a suspension to ensure the suspension is resolved successfully and in a timely manner. For example, schools should engage with:

- an Aboriginal Education Officer, the department's [Aboriginal Education Team](#), Aboriginal medical services, Aboriginal organisations that support and celebrate a culturally sensitive and safe environment for Aboriginal students to feel a strong sense of belonging, and any other external agencies that support student engagement and wellbeing
- relevant personnel when supporting a student in out of home care, such as the Department of Communities and Justice
- relevant personnel when supporting a student with disability and/or participants in the National Disability Insurance Scheme (NDIS), such as learning and support teacher or team, assistant principal learning and support, transition support teachers, school learning support officers, and school counsellors or psychologists.

More guidance on returning a student from suspension is available in the [Return from suspension resource \(PDF 143 KB\)](#).

3.5.6 After the student returns to school

After a suspension, a student may need additional supports to transition back to the school environment. The school's processes and supports to ensure students feel known, valued, respected and cared for should be reinforced during the student's return from suspension.

Once a student returns to school following a suspension, teachers will:

- implement strategies from individual student support planning
- regularly review the student's progress
- attempt to re-establish the student's positive relationships with teachers, school staff and other students
- not restrict the student's access to school activities and learning, unless specifically identified in the risk management plan or in individual student support planning documentation.

More information is available in the [Return from suspension resource \(PDF 143 KB\)](#) on the department's website.

3.5.7 Alternate programs (suspension centres, tutorial centres and behaviour schools)

For some schools, it may be feasible for a student to attend an alternate program, as outlined below:

- **Suspension centres** provide structured programs to help students successfully return to school as soon as possible. Principals will need to decide if students placed on suspension would benefit from such a program.
- **Tutorial centres** provide an age-appropriate short-term intervention for students who have difficulty managing their behaviour in a mainstream setting. Tutorial centres/programs must be attached to a base school, which is generally a secondary school.
- **Behaviour schools** are educational settings established to provide intensive behavioural and educational support for students who have exhausted all other behaviour support provisions available to the school, and/or for whom a risk assessment indicates a behaviour school placement is appropriate. Behaviour schools will involve a shared enrolment with the home school with a view to gradually return the student back to the home school full time.

If a student is suspended from any learning environment they attend or has a shared enrolment, the principal issuing the suspension must advise the principal of the other setting of the suspension and the issues that led to the decision to suspend as soon as possible.

Suspension from one learning environment will not result in an automatic suspension from the other learning environment, including where a student who has a shared enrolment between two schools and is suspended from one of the learning environments.

For the purpose of a suspension where the student attends multiple learning environments, even if the suspension is only being served at one site, the consecutive school days of the suspension as decided under [section 3.5](#) should be counted as covering the school days a student would ordinarily spend at both sites.

In such circumstances, the principals of both learning environments must:

- consider whether to apply the suspension across one or both settings. The decision will be based on whether the same issues or risks are present in both settings
- negotiate and finalise arrangements for the duration of the suspension
- ensure that in all cases, the suspension is only applied for the maximum number of school days across either or both learning environments. This will require coordination between the principals of the 2 settings, if a suspension is imposed by both settings.

4 Expulsion

Every child and young person has the right to receive an education of the highest quality. However, there may be some serious circumstances where risk management strategies and interventions, including suspensions, have not been successful in managing significant behaviours of concern, and a principal may consider expelling a student from their school.

The process to expel a student is initiated by the principal and the decision to expel must be made by both the principal and the Director, Educational Leadership.

The principal and their Director, Educational Leadership must co-sign a decision to expel a student.⁵ Procedures in this section apply, irrespective of any action by another agency, including NSW Police.

4.1 Considering expulsion as an action

The decision to expel a student from school is of the utmost severity and should not be considered lightly (see [section 4.2](#)). Once a student has been expelled from school, it affects their admission to other NSW public schools.⁶

For serious behaviour/s of concern, a student who has previously been suspended should not automatically proceed to an expulsion, even if the serious behaviour/s of concern continues. The principal and Director, Educational Leadership have the discretion to decide the appropriate next steps on a case-by-case assessment, including whether it remains appropriate to proceed to an expulsion. The principal and Director, Educational Leadership should consider the whole context of the student and the behaviour when determining next steps.

When considering expelling a student, the principal and Director, Educational Leadership must:

- give particular attention to procedural fairness (see [section 1.3.2](#))
- ensure that all appropriate learning and support strategies have been developed, communicated, implemented, reviewed and documented, in partnership with the student, parent or carer, relevant school staff, and appropriate support persons
- explore all possible alternate strategies, including placing a student in alternative educational settings such as different schools, support classes, schools for specific purposes and alternative education providers
- consider the student's educational and safety needs and individual circumstances, including but not limited to
 - disability and any reasonable adjustments already in place or required to be imposed by the [Disability Standards for Education 2005](#) (see [Inclusive Education policy for students with disability](#))
 - trauma background, including domestic violence
 - cultural and linguistic background
 - interactions with out of home care
 - socioeconomic disadvantage
- (for serious behaviour/s of concern) consider the same factors as those outlined in [section 3.1](#) when deciding whether expulsion is an appropriate and proportionate action

⁵ Under s35(3) of the Education Act 1990 (NSW), the Minister may, on the recommendation of the Secretary, Department of Education, expel a child of any age from a government school.

⁶ Under s34(4) of the Education Act 1990 (NSW), the Minister may refuse the admission of a child to all or any government schools if (a) the child has been expelled from any government school, or (b) the Minister is of the opinion that there is other sufficient reason to do so.

Under s35(5) of the Education Act 1990 (NSW), the Secretary, Department of Education may, with the consent of the student's parents, arrange for a student who has been expelled from a government school to be admitted to and attend another government school (unless the child is refused admission under section 34(4) or to participate in a program referred to in s35(4)).
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- (for serious behaviour/s of concern) consider whether previous attempts to manage or mitigate the serious behaviour/s of concern have been consistent with these procedures, including consideration of the factors outlined in [section 3.1](#) for any suspensions issued and ensuring that complex behaviour support has been accessed through Delivery Support or other services
- initiate communications or meeting/s with the student and their parent, carer, or support person of the student's choosing, to discuss
 - that expulsion from the school is being considered
 - the nature of the incident/s or behaviour/s of concern
 - reasons or grounds for the possible action
 - possible implications of proceeding with an expulsion
- ensure that all relevant documents and information are shared between the principal and Director, Educational Leadership
- ensure that advice has been sought from school counselling staff, which may be in the form of a written report with recommendations for further action.

Use of the [Expulsion checklist](#) is recommended when considering expulsion as an action.

On the rare occasion where a risk assessment indicates the student cannot be safely accommodated at the school selected by his or her parents, a direction on enrolment under Part 5A of the [Education Act 1990 \(NSW\)](#) may also be an option. The information on [risk management](#) on the department's website and the [Work Health and Safety \(WHS\) policy](#) and associated documents provide guidance in these circumstances.

4.2 Grounds for expulsion

There are 2 grounds on which to expel a student from a particular school:

- serious behaviour/s of concern where risk management strategies and interventions, including suspensions, have not been successful
- (only for students over 17 years of age) unsatisfactory participation in learning, where:
 - a student has received a minimum of 2 written 'N' warnings in the same course from the principal because they are at risk of receiving an 'N' determination (non-completion of course requirements for this course)
 - the unsatisfactory participation in learning has a negative impact on the learning and/or wellbeing of other students.

A principal and Director, Educational Leadership may only expel a student for unsatisfactory participation in learning where a student has received a minimum of 2 written 'N' warnings in the same course from the principal because they are at risk of receiving an 'N' determination (non-completion of course requirements) for this course if the principal has:

- advised the student of the tasks or actions to be undertaken in time for the problem to be corrected and alerted the student to the possible consequences of receiving two written 'N' warnings or an 'N' determination
- advised the parent or carer in writing of the initial 'N' warning
- requested a written acknowledgement of the 'N' warning from the student, parent or carer
- issued at least one follow-up 'N' warning letter if the first letter is not effective
- the student has been given a formal written notice of potential expulsion from the school
- following the written 'N' warning letters and notice of potential expulsion, the student has been given the opportunity, time and appropriate support to complete the course requirements but has not done so.

4.3 Providing a notice of potential expulsion

If a principal and Director, Educational Leadership are considering expelling a student, the principal must:

- issue a written notice of potential expulsion to the student and their parent, carer, or support person following the initial communications or meetings (see [section 4.1](#)) with the student and their parent, carer, or support person of the student's choosing. Use of the notice of potential expulsion [templates](#) (for either [serious behaviour/s of concern \[DOCX 77 KB\]](#) or [unsatisfactory participation \[DOCX 74 KB\]](#)) is recommended.
- the notice must:
 - notify the student and parent or carer that the principal and Director, Educational Leadership are considering expelling the student
 - be in writing (for example, letter or email)
 - detail the behaviour/s of concern or reason for the principal's approach
 - provide the parent, carer, or support person the opportunity to formally meet with the principal and relevant support services
 - advise that the student and parent or carer has the right to a support person in any meeting with the school
 - (only in relation to serious behaviour/s of concern, not for unsatisfactory participation in learning) notify the student and parent or carer that the student is suspended pending the outcome of the decision-making process (up to 15 consecutive school days) and include the same information as required for a notification of a suspension (as outlined in [section 3.4.1](#))
 - be documented on the department's in-house data system
- convene a formal meeting held wherever possible face-to-face (communication online or over the phone should only be considered in extenuating circumstances) with the principal, student and their parent, carer, or support person of the student's choosing, to discuss
 - that the principal and Director, Educational Leadership are considering expelling the student
 - reasons or grounds for the principal's and Director, Educational Leadership's approach
 - implications of proceeding with an expulsion
- share explicit information with the student and parent or carer and provide a copy of all documentation on which the consideration is based
- ensure the student and parent or carer is given 7 school days to consider and respond to the information shared before the principal makes a final decision
- document and record interventions, meeting minutes, formal communications and responses and store these securely at school.

4.4 Proceeding with an expulsion

Once the decision to expel a student is made jointly by the principal and Director, Educational Leadership, they will:

- complete the [Expulsion checklist](#) as soon as possible (recommended)
- advise the student and their parent or carer of the decision to expel by phone, where possible
- formally notify the student and their parent or carer in writing within 24 hours of the decision, and include
 - the implications of expulsion
 - the student's and parent's or carer's right to appeal the decision (see [section 5](#)). [Template](#) notice of expulsion letters (for either [serious behaviour/s of concern \[DOCX 77 KB\]](#) or [unsatisfactory participation \[DOCX 74 KB\]](#)) are available on the department website
 - parent and carer information, which includes information concerning appeal rights and processes and an appeal template
- record the expulsion in the department's in-house data system within 24 hours of notifying relevant people
- finalise the expulsion within 15 school days of the notice of potential expulsion being issued
- ensure all documentation is retained on file at the school.

Students expelled from a particular school for a serious behaviour/s of concern may only re-enrol in that school with the approval of the Executive Director, School Performance.

For students expelled from a particular school for unsatisfactory participation in learning, the school's principal has the discretion to re-enrol that student in their school at a later date.

If the principal or Director, Educational Leadership decide not to proceed with an expulsion:

- the principal will advise the student and their parent or carer of the decision not to expel, by phone where possible
- the principal will formally notify the student and their parent or carer in writing within 24 hours of the decision
- where expulsion was being considered for serious behaviour/s of concern, the principal should return the student to school consistent with [section 3.5.5](#).

4.4.1 Obligation to arrange an alternative educational placement

4.4.1.1 For students over 17 years of age expelled for unsatisfactory participation in learning

If a principal and Director, Educational Leadership have decided to expel a student over 17 years of age on the grounds of unsatisfactory participation in learning, it is the student's and parents' or carers' responsibility to find a suitable alternative placement. While the principal has no further obligation to arrange an alternative educational placement, they can advise on possible options.

4.4.1.2 For students expelled for serious behaviour/s of concern

This section applies where a principal has decided to expel a student on the grounds of serious behaviour/s of concern.

The principal and Director, Educational Leadership are obligated to arrange an alternative educational placement appropriate to the needs of the student within 15 school days from the date the student and parent or carer were notified of the expulsion. Firstly, the principal must:

- conduct a risk assessment regarding the student's behaviour to help identify an appropriate placement where the student can access the curriculum while being safely accommodated
- suggest any appropriate support for the student in the new setting
- ensure that the student is provided with a learning program covering any period of time that the student is suspended
- where a suitable alternative cannot be arranged, refer the issue to the Director, Educational Leadership for resolution.

Where a principal has referred an issue with the student's alternative educational placement to the Director, Educational Leadership for resolution, the Director may consider:

- directing, with approval from the Executive Director, School Performance, the re-admittance of the student to the school, subject to intensive support arrangements as necessary to ensure the safety and wellbeing of the student, other students and staff
- placement in an alternative education setting and/or employment
- enrolment in TAFE (if applicable)
- participation in other Minister-approved education or training
- a transition to work program
- enrolment in distance education where the distance education enrolment procedures have been fully considered
- recommending to the Executive Director, School Performance that another school be directed to enrol the student (subject to any issues that may have been identified by a risk assessment, having been addressed).

Where the nature of the behaviour is so extreme that both the principal and Director, Educational Leadership cannot find an alternative placement, the Director in consultation with the principal may prepare a submission to the Secretary, Department of Education, recommending to the Minister that a student expelled for serious behaviour/s of concern not be re-admitted to all or any government schools.⁷ The Director, Educational Leadership must:

- work in consultation with the principal to prepare the submission to the Secretary
- provide in the submission
 - the reasons for the recommendation
 - actions taken and attempts to manage and support the student's behaviour
 - the school counsellor's report, where appropriate
 - a copy of all documentation relevant in the decision-making process
 - any records or copies of responses from the student or their parent or carer
- forward the submission to the Secretary, through the Executive Director, School Performance and the Deputy Secretary, School Performance.

⁷ Under s34(4) of the Education Act 1990 (NSW), the Minister may refuse the admission of a child to all or any government schools if (a) the child has been expelled from any government school, or (b) the Minister is of the opinion that there is other sufficient reason to do so.

5 Appealing a decision to expel or suspend

Principals must ensure students, parents and carers can access appropriate complaint processes and that complaints relating to student behaviour are handled promptly, in line with the [Complaints Handling policy](#).

Students, parents and carers may appeal a principal's decision to suspend or expel a student if they believe that the principal has not followed the correct procedures and/or that an unfair decision has been reached. Only one appeal can be made per decision.

Appeals should be in writing, clearly stating why the appeal is being made. To lodge an appeal, the student, parent or carer should complete the [appeal form \(PDF 665 KB\)](#). Parents and carers can access [information and resources on suspension and expulsion appeals](#) on the department's website.

Appeals can be made to:

- the Director, Educational Leadership about a suspension where they have not been involved in the decision to suspend. The Director may seek support on the management of an appeal from an appropriate authority (such as the learning and wellbeing coordinator), but the Director must make the final decision
- the Executive Director, School Performance, where a Director, Educational Leadership has been involved in a decision to suspend a student. In these cases, the Executive Director, School Performance may ask another Director, Educational Leadership to decide on the appeal
- the Executive Director, School Performance regarding a decision to expel a student
- the Executive Director, School Performance, where a Director, Educational Leadership has declined to hear an appeal relating to a suspension (due to a conflict of interest or other reason). The Executive Director, School Performance may delegate the management of the appeal to another suitable authority but the Executive Director, School Performance must make the final decision.

The Director, Educational Leadership or Executive Director receiving the appeal must acknowledge the lodgement of the appeal as soon as possible and advise the person lodging the appeal of the next steps.

Appealing an extended suspension

Extensions to suspensions are not subject to the appeals process as a decision to extend a suspension is based on internal departmental considerations about a school's ability to implement supports for the student and address safety risks. However, the extension of a suspension does not affect a student's, parent's or carer's right to appeal the original suspension.

A Director, Educational Leadership is not prevented from considering an appeal to a suspension if they consulted on or approved an extension to the suspension. They are two separate decisions regarding different matters. The extension decision considers the need for supports and risk mitigation whereas the appeal decision considers the process followed by the principal in deciding to suspend.

5.1 Assistance with lodging an appeal

A school should help students, parents and carers who wish to lodge an appeal. Assistance should be provided in the following circumstances:

- if the school receives the appeal, the principal should refer the person lodging the appeal to the Delivery Support team, where staff should identify an appropriate support person. This person should
 - not be involved, or appear to be involved, in making or assisting with the decision on the appeal, in line with procedural fairness principles
 - help the person lodging the appeal understand their rights and the appeal process
 - make sure that the person lodging the appeal has access to the [appeal form \(PDF 665 KB\)](#) and, if necessary, assist with completing it
- if the appeal is a verbal notification, the Delivery Support team should assist in lodging a written appeal.

The fact that an appeal has been lodged does not put on hold the principal's decision to suspend, or suspend prior to expulsion, from a particular school.

5.2 Decision on the appeal

On receiving an appeal, the Director, Educational Leadership or the Executive Director, School Performance (the decision-maker) will:

- (for appeals of a decision to suspend) decide on the appeal within 15 school days from the receipt of the request
- (for appeals of a decision to expel) decide on the appeal within 20 school days from the receipt of the request
- review and consider all relevant materials, with reference to the [appeals checklist](#)
- ensure that communication lines are maintained with the person/s lodging the appeal and that they are kept aware of its progress
- ensure that appropriate materials have been made available to the student, parent or carer before making the decision on the appeal
- discuss relevant issues with the person lodging the appeal and any other parties, as appropriate, before making the final decision
- advise all the parties of the decision and the specific reasons for reaching the decision.

The decision-maker will consider both the merits of the original suspension or expulsion decision and whether correct processes were followed in making that decision. To support this process the decision-maker should use the [appeals checklist](#). Considerations of appeal must:

- reconsider the facts, including through sourcing relevant documents, school and student plans and speaking to any parties involved
- consider whether correct policy and procedures were followed in the original decision. Where the appeal involves a student with a disability this includes considering whether any reasonable adjustments as defined in these procedures were made or considered before the original suspension or expulsion decision
- make a decision based on these considerations. If the decision does not align with original decision to suspend or expel the appeal must be upheld.

The decision-maker's decision will outline the specific reasons for one of two outcomes:

- uphold the appeal
- not uphold the appeal.

If an appeal to a suspension decision is upheld and the student has not been returned to school, the principal must return the student to school as soon as possible (see [section 3.5.5](#)).

If an appeal of a decision to expel is upheld and the student has already moved to an alternative educational placement, the principal must offer the student a placement back in the original school. It is for the student and parent or carer to decide which education setting is most suitable (see [Enrolment of Students in NSW Government Schools policy](#)).

The decision-maker will also decide what further action to take. In circumstances where an appeal is upheld, this will normally include recommendations on systems improvements to school processes to make sure the procedures are appropriately implemented in the future. Where appropriate, the decision-maker or their delegate must update the school's record of suspension or expulsion and the student's record with the findings of the appeal.

The student's record is to remain the same as the original decision until an appeal decision has been finalised and the outcome communicated to the student, parent and school.

If an appeal has been received, the school has the ongoing responsibility to provide the student with a learning program covering any period of time that the student is suspended.

6 Reporting serious incidents or unsafe behaviours

All staff have a responsibility to recognise and respond to safety, welfare or wellbeing concerns for students and inform their principal.

In the event of an emergency, contact Triple Zero (000) before reporting an incident.

Where a serious or reasonably suspected incident involving violence, weapons, illegal drugs, threats and intimidation and other criminal activity occurs, the principal or workplace managers, must:

- meet legal obligations in responding to concerns about the safety, welfare and wellbeing of children and young people
- comply with the Incident Notification and Response policy. The Incident Notification and Response section of the department's website provides further information
- call the **Incident Report and Support Hotline on 1800 811 523**
- use the Mandatory Reporter Guide to help decide if a child is suspected or at risk of significant harm, and report this to the **Child Protection Helpline on 132 111** if required
 - only contact the Child Protection Helpline for matters that require a statutory response
 - principals may contact the department's **Child Wellbeing Unit on (02) 9269 9400**, which can provide advice and support for appropriate local responses where there are risk of harm concerns about children and young people that do not meet the threshold of suspected risk of significant harm
- liaise with NSW Police where appropriate
- consult with their Director, Educational Leadership for guidance, support and direction where the behaviour relates to problematic or harmful sexualised behaviours.

If the principal has any doubt about reporting an incident, they should contact the **Incident Report and Support Hotline** for advice (see Legal Bulletin 57 – Responding to anti-social and extremist behaviour).

Should a serious incident or unsafe behaviours involve NSW Police, this does not preclude the principal from implementing the Student Behaviour policy and these procedures in dealing with the same incident or unsafe behaviours.

7 Reviews

The Director, Educational Leadership or Executive Director, School Performance may review any aspect of a school's implementation of these procedures at any time and at their own discretion. This ability is separate to any role they may have in deciding an appeal or reporting serious incidents or unsafe behaviours.

8 Definitions

Disability means, in NSW Government schools, any category of disability under discrimination law, including physical, cognitive, sensory or social/emotional disabilities that are temporary or permanent. The department acknowledges that disabilities are not always formally diagnosed and that students can have an impairment that impacts their educational outcomes. The term 'disability' is very broadly defined in legislation to cover physical, intellectual and emotional impairments. It includes:

- loss of bodily or mental functions or a part of the body
- the presence in the body of organisms causing (or capable of causing) disease or illness
- malfunction, malformation or disfigurement of a part of the body
- a disorder or malfunction that results in a person learning differently
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour.

Expulsion from a particular school is a strategy schools may use within the context of student behaviour management and support. Expulsion is the permanent removal of a student from a school. Delegates of the Minister have the discretion to re-enrol expelled students in NSW Government schools.

Inclusive education means that all students, regardless of disability, ethnicity, socioeconomic status, nationality, language, gender, sexual orientation or faith, can access and fully participate in learning, alongside their peers, supported by reasonable adjustments and teaching strategies tailored to meet their individual needs.

Inclusion means education environments that adapt the design and physical structures, teaching methods and curriculum as well as the culture, policy and practice of education environments so that they are accessible to all students without discrimination.⁸

Parent (in these procedures), references to 'parent', 'parents', 'carer', or 'carers' includes any person, or persons having custody or care of a child or appointed by the parent as their delegate. In Aboriginal culture, this may refer to kinship care, which is provided by relatives or a member of a child's social network when a child cannot live with their parents.

Principals are teachers responsible for leading, developing and evaluating the quality of teaching, learning and wellbeing in the school, within a positive culture of support. In these procedures, 'principal' also refers to any staff member who has delegation to act on the principal's behalf.

⁸ [UNICEF, Inclusive Education: Understanding Article 24 of the Convention on the Rights of Persons with Disabilities](#), page 3. NSW Department of Education | PD-2006-0316-06-V02.0.0

Reasonable adjustment, as defined by the Disability Standards for Education 2005 is a measure (or group of measures) implemented by an education provider to assist a student with a disability to apply, enrol and participate in a course or program on the same basis as a student without a disability. An adjustment is reasonable in relation to a student with a disability if it balances the interests of all parties affected. A failure to provide reasonable adjustments may amount to disability discrimination. Examples of adjustments are listed in the Legal Bulletin for disability discrimination.

Consultation with a student and/or their parent or carer must occur in order to understand the impact of a student's disability and to determine whether any adjustments or changes are needed to assist the student. Depending on the circumstances, this may include talking about:

- the student's needs and the type of assistance that may be needed
- the adjustments that could be made by the department to meet the student's needs and whether these adjustments are reasonable
- whether there are any alternative adjustments that would be less disruptive and intrusive and no less beneficial for the student.

In deciding whether an adjustment for a student with disability is reasonable, all relevant circumstances and information should be taken into account, including the:

- impact of the disability on the student's learning, participation and independence
- views of the student with disability, or their associate, about their preferred adjustment
- impact of the adjustment on other students, staff members, the student's family, and the department
- costs and benefits of making the adjustment
- need to maintain the essential requirements of the course or program.

Student is defined as any child or young person enrolled in a NSW Government school.

Suspension from school is a strategy that schools may use within the context of student behaviour management and support. Suspension is the removal of a student from a school for a period of time determined by the principal, in circumstances where all other behaviour support options have been appropriately implemented and given time to be effective but have not been successful in resolving behaviours of concern.