

# PRACTICE GUIDE

## School disciplinary absence

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### Overview

The Department of Education is strongly committed to all state schools in Queensland being safe, supportive and disciplined environments, where children and young people can learn and achieve.

State schools promote a positive and inclusive school community that affirms the rights of all members to feel safe and be safe at school. Schools recognise the reciprocal relationship between academic success and social behaviour.

State school principals have significant powers to apply disciplinary consequences under the *Education (General Provisions) Act 2006*. A range of school disciplinary absences are used to address behaviour with suspensions and exclusions used as a last resort.

In 2015, children and young people in care were four times more likely to experience a school disciplinary absence when compared with those children and young people not in care (data sourced from Department of Education). School disciplinary absences include suspensions, exclusions and cancellation of enrolment.

There are three key Department of Education procedures that relate to school disciplinary absences, *Student discipline*, *Cancellation of enrolment* and *Refusal to enrol - risk to safety or wellbeing*. For more information about these procedures refer to the Department of Education's [Behaviour](#) website.

### Process

When considering the use of a school disciplinary absence, principals refer to the Student Code of Conduct for their school. The Student Code of Conduct is developed in collaboration with the local school community and outlines clear expectations for student behaviour, supports available and guidance on the application of disciplinary consequences.

When considering applying a disciplinary consequence, principals should:

- undertake an assessment of the student's behaviour and the level of risk
- take into account a student's individual circumstances, such as behaviour history, disability, mental health and wellbeing, religious and cultural considerations, home environment and care arrangements
- apply a suspension, exclusion or cancellation of enrolment only as a strategy of last resort.

It is important for child safety officers to work closely with school personnel to keep them informed of significant, detrimental and traumatic events or occurrences in a child's life that may impact on their behaviour and ability to function in a school environment.

## Types of school disciplinary absences

Disciplinary absence	Grounds for taking action
<i>Suspension</i>	<p>Principals can apply a short suspension (1-10 days) or a long suspension (11-20 days). The grounds for suspension are:</p> <ul style="list-style-type: none"> <li>• disobedience</li> <li>• misbehaviour</li> <li>• conduct that adversely affects, or is likely to adversely affect, other students</li> <li>• conduct that adversely affects, or is likely to adversely affect, the good order and management of the school, and</li> <li>• the student's attendance at the school poses an unacceptable risk to the safety or wellbeing of other students or staff.</li> </ul>
<i>Suspensions (charge related)</i>	<p>A principal may suspend a student if the student:</p> <ul style="list-style-type: none"> <li>• is charged with a serious offence*, or</li> <li>• the student is charged with an offence other than a serious offence and the principal is reasonably satisfied that 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.</li> </ul> <p>The timeframe for a charge-related suspension is predicated on the resolution of the charge.</p> <p>*Serious offence: as defined in the <i>Working with Children (Risk Management and Screening) Act 2000</i></p>
<i>Exclusion</i>	<p>Grounds for exclusion are:</p> <ul style="list-style-type: none"> <li>• persistent disobedience</li> <li>• misbehaviour</li> <li>• conduct that adversely affects, or is likely to adversely affect, other students</li> <li>• conduct that adversely affects, or is likely to adversely affect, the good order and management of the school, or</li> <li>• the student's attendance at the school poses an unacceptable risk to the safety and wellbeing of other students or staff.</li> </ul> <p>It is also a ground for exclusion if a student has been <b>convicted</b> of an offence and the principal is reasonably satisfied that it would not be in the best interests of other students or staff for the student to be enrolled.</p> <p>Once exclusion of a student is proposed, the student must be given notice of the proposed exclusion and must be suspended until a final exclusion decision is made.</p> <p>A final decision regarding the student's exclusion must be made within 20 school days of giving the student notice of the proposed exclusion.</p>
<i>Cancellation of enrolment</i>	<p>The only ground for cancellation of enrolment is refusal to participate in the educational program.</p>

	<p>Students must be older than compulsory school age (at least 16 years of age or completed year 10).</p> <p>A principal provides a warning to the student (verbal, written or both).</p> <p>If the student's attendance, academic participation (including submitting required assessments) does not improve sufficiently, the principal can cancel the student's enrolment.</p>
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## Appeals

A student and/or their parents/carers can make a submission to the Director-General of Education's delegate for long suspensions, suspensions pending exclusion, exclusion, cancellation of enrolment and refusal to enrol. For students in the care of Child Safety, a child safety officer may support a carer or worker from an agency, for example a residential care service, to make a submission on the student's behalf. Consideration about whether a child safety officer will lodge a submission to appeal occurs through a case discussion with the senior team leader or senior practitioner. Consultation with the relevant senior guidance officer will help to understand whether the decision is warranted, and inform any action by Child Safety.

Appeals against exclusions must be lodged within 30 days of receiving the final decision notice. Appeals against long suspensions, charge-related suspensions and cancellations of enrolment can be lodged at any time.

## Refusal to enrol

A state school may refuse an application to enrol a child if the principal forms a reasonable belief that the prospective student poses an unacceptable risk to the safety and wellbeing of the school community. The principal must then refer the matter for a decision to the Department of Education Director-General via the Regional Director. The Director-General will either issue a show cause notice inviting submissions as to why the enrolment should not be refused or advice that the enrolment is to be accepted.

If no submissions are received in response to a show cause notice, the Director-General must refuse the enrolment.

## Interface with the *Human Rights Act 2019*

The *Human Rights Act 2019* requires public entities to act compatibly with human rights. Public entities include public schools. Private and non-government schools are not required to comply with the Act.

The *Human Rights Act 2019*, section 36 states that:

1. Every child has the right to have access to primary and secondary education appropriate to the child's needs.
2. Every person has the right to have access, based on the person's abilities, to further vocational education and training that is equally accessible to all.

In relation to a school disciplinary absence, the right to education can be limited, only when it is reasonable and demonstrably justified. For more information on whether a limitation of rights is reasonable and justifiable refer to the [Queensland Human Rights Commission](#) website.

## Consideration of individual needs

The Department of Education's policy of inclusive education strives to ensure that students can access and fully participate in learning, alongside their peers, supported by reasonable adjustments and teaching strategies tailored to meet their individual needs. As different student groups experience different barriers to inclusion, the Department of Education implements strategies and policies, and supports practices that address the unique needs of:

- Aboriginal and Torres Strait Islander students
- students from culturally and linguistically diverse backgrounds
- students who identify as LGBTIQ
- students in the care of Child Safety
- students from rural and remote communities
- students with disability
- students with mental health needs
- gifted and talented students.

Strategies or supports may include scaffolded instruction or learning programs, assistive technology, assistance or additional time to complete assessments or a flexible timetable. The principal will consider these adjustments and supports before making a disciplinary decision. If Child Safety staff have any concerns about these matters it is important they are raised in any appeal submission. The information sharing provisions outlined in the *Child Protection Act 1999*, chapter 5A allows Child Safety staff to share relevant information with staff from the Department of Education.

All state, Catholic and independent schools are required to make reasonable adjustments for students in line with their own policy and procedures.

### **The role of Child Safety**

Child Safety staff play an important role in a child's education outcomes. If the child is eligible, ensure they have an active education support plan in place.

It is also important for Child Safety staff to remain connected with school personnel and keep the school informed and updated about issues the child may be experiencing that could impact on their education, such as issues with family, mental health concerns, or instability in their care arrangement. The principal or school staff can then consider this when determining the most appropriate actions to support the child, or if a school disciplinary absence is required. If a school disciplinary absence is being considered, principals should ensure reasonable adjustments have been made to support the student before making a disciplinary decision. If the school has not made reasonable adjustments for the student it is important that this is identified as part of any appeal submission.

The Department of Education encourages Child Safety staff to be involved in discussions with schools when a school disciplinary action is being considered. Establishing and maintaining a relationship with the school strengthens a child's safety and support network and helps prevent or address any behavioural challenges earlier.

For further information refer to the practice guide [Supporting education outcomes for children in care](#) and the Department of Education's [Positive behaviour for learning](#) website.

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## **Version history**

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