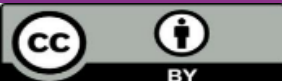




ACT
Government

Education

INTERIM: SUSPENSION, TRANSFER, OR EXCLUSION OF A STUDENT IN ACT PUBLIC SCHOOLS PROCEDURE 2023



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INTERIM: SUSPENSION, TRANSFER, OR EXCLUSION OF A STUDENT IN ACT PUBLIC SCHOOLS PROCEDURE 2023

This procedure must be read in conjunction with the Education Directorate's (the Directorate's) *Interim Suspension, Transfer or Exclusion of a Student in ACT Public Schools Policy 2023* (Policy Identifier[00044]), the *Safe and Supportive Schools Policy 2016*, *Managing Occupational Violence Policy 2017*, *Review of Decisions Policy 2016* and the *ACTPS Work Health and Safety Policy Statement 2012*.

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1. Overview

- 1.1. This procedure relates to Suspension, Transfer or Exclusion of a Student in ACT Public Schools Policy 2023.
- 1.2. This procedure provides information for parents/ carers and students attending ACT public schools.
- 1.3. This procedure applies to all Directorate staff, parents/ carers and students attending ACT public schools.

2. Rationale

- 2.1. Chapter 2A of the [Education Act 2004 \(the Act\)](#) describes the circumstances under which suspension, transfer or exclusion of a student enrolled in an ACT public school can occur.
- 2.2. This procedure outlines:
 - 2.2.1. considerations which contribute to an equitable approach by ACT public schools when suspending, transferring or excluding a student;
 - 2.2.2. the processes involved, roles and responsibilities of the school, the parent/ carer and the Education Support Office (ESO).

3. Procedures

3.1. Responsibilities

- 3.1.1. In addition to responsibilities summarised in the policy, the responsibilities outlined in 3.1 of this procedure are important but are not pre-requisites for authorising a suspension, transfer or exclusion.
- 3.2. The decision-maker for government schools for the purposes of deciding a suspension, transfer or exclusion is the director-general.

[SUSPENSION, TRANSFER, OR EXCLUSION OF A STUDENT IN ACT PUBLIC SCHOOLS PROCEDURE 2023] [00044/1] is the unique identifier of this document. It is the responsibility of the user to verify that this is the current and complete version of the document, available on the Directorate's website at http://www.education.act.gov.au/publications_and_policies/policy_a-z.

3.3. The director-general has delegated the power to suspend to principals. This includes all staff formally appointed as a principal of a government school, as well as any staff member assuming the role of principal of a government school.

E.g. A senior staff member who is assuming the role of principal while the appointed principal is not at school.

3.4. **School Staff** are responsible for facilitating a school culture which promotes positive staff-student relationships and facilitates an early support and prevention approach to behaviour support through:

- implementing differentiated and evidence-based curriculum and trauma informed practice, to cater for the different needs of students;
- seeking the views of students and their parents/ carers to ensure they are included in school processes including positive behaviour management planning;
- implementing evidence based social and emotional learning approaches to assist students to acquire and effectively apply the knowledge, attitudes, and skills necessary to understand and manage their emotions; understand and show empathy for others; establish and maintain positive respectful relationships and set and achieve positive goals;
- developing and equitably applying whole school positive behaviour support procedures and practices to ensure that students understand the school's expectations and are encouraged/ recognised when they engage in these expectations;
- developing and equitably applying whole school disciplinary procedures and practices to ensure there are consequences for behaviour appropriate to the circumstances. This includes detailing preventative and responsive disciplinary measures and participating in implementation training;
- disciplinary procedures and practices should be informed by restorative practice principles;
- maintaining appropriate recording of behavioural incidents, the school's response, and rationale for decisions made in the School Administration System (SAS); to assist planning and the development of strategies for the individual, school and system levels;
- accessing professional learning (PL) to build capability to effectively support students with complex needs and behaviours of concern;
- facilitating early support, including appropriate referrals, where a student is disengaged or at risk of being disengaged and/ or there is a pattern of behaviour of concern;
- developing appropriate plans (e.g. positive behaviour support, protective action, safety analysis and individual learning), consistent with the *Safe and Supportive Schools Policy 2016* as required, including for students who have been suspended more than twice in a school year, to support necessary behavioural change.

3.5. **Additionally, principals are responsible for:**

- ensuring their school meets their responsibilities outlined in 3.4;
- providing continuity of leadership within their school, including where they are unavailable or absent for a period of time from the school site;
- facilitating regular reviews of their whole school positive behaviour approach and modifying accordingly based on data and feedback in consultation with the school community;
- facilitating access for the school community to the current version of behaviour management processes for reference (e.g. on the school's website or at the front office);

- considering and wherever feasible trialling reasonable alternatives to suspension, including in-school options which are appropriately resourced, utilised and programmed, before plans for suspension, transfer or exclusion are progressed and approved;
- directing parents/ carers to keep a student at home only when a suspension is in effect and supporting part-time attendance in line with attendance and exemption certificate procedures;
- engaging with parents/ carers to plan and respond early to prevent significant behavioural incidents, where there is a known potential for a student's behaviour to escalate;
- managing communication with parents/ carers in a way that seeks to promote and preserve the school-parent/ carer relationship;
- advising students and parents/ carers in writing about their rights for a review of decision relating to suspension, transfer or exclusion decisions (via SAS);
- providing support to staff impacted by an incident, ensuring appropriate information is documented detailing the impact on staff and referring for additional support as required;
- providing access to Professional Learning for staff to build their capacity to effectively implement this policy and procedure and respond effectively to the needs of students.

3.6. **Education Support Office (ESO)** is responsible for:

- supporting principals to address issues relating to unsafe or noncompliant behaviours, particularly where this is resulting in complex issues impacting the principal and the school community;
- assisting to build school capability and capacity, including to support students who are at risk of disengaging or are currently disengaged from school;
- supporting processes preceding transfer and exclusion decisions, including when there is a difference in the school and family's opinion about selecting alternative education options;
- contributing to school and system improvement by collating, analysing, reporting and using data relating to mutually agreed leave, suspensions, recurrent suspensions, transfers and exclusions;
- facilitating discussion with principals to assist with reviewing the application of suspension processes in their school and where necessary their whole school approach to positive behaviour support;
- managing the process of reviews relating to suspension, transfer or exclusion;
- facilitating access to Professional Learning for school staff to build their capability to respond effectively to students with complex needs and behaviours of concern;
- providing support to schools to complete safety risk assessments where student behaviour poses a risk to the safety of staff/ students/ others;
- providing support to staff impacted by an incident and referring for additional support where required.

3.7. **Parents/ Carers** are responsible for:

- assisting by respectfully communicating concerns to the school, for example about their own child's behaviour or where another student's behaviour is having an impact on their child;
- participating and providing input during the decision making process for a suspension, transfer or exclusion if they wish to have their views heard;

- participate in re-entry planning following a suspension;
- applying for a review of a decision in the required timeframe where they consider the decision to suspend, transfer, or exclude did not follow correct process . See [Attachment B](#).

3.8. Considerations for Decision Making

3.8.1. The principles of natural justice and procedural fairness apply to all suspension, transfer or exclusion proceedings (see [Attachment A](#)). Procedural fairness includes the right to a fair hearing, requiring that the affected student (and their parents/ carers) be given a reasonable opportunity to be heard and an opportunity to provide information relevant to the decision maker for consideration when making their decision.

E.g. The notice requirements that apply to suspensions, transfers and exclusions in the Education Act 2004, Part 2A provide opportunity for students and their families to provide additional information for consideration by the decision maker.

3.8.2. Where there is a pattern of unsafe or noncompliant behaviour, comprehensive assessment and appropriate support, including positive behaviour support and protective action planning, should be implemented wherever possible, before a student is suspended, transferred or excluded. Refer to [Safe and Supportive Schools Policy and Procedures 2016](#) and [Occupational Violence Policy and Occupational Violence Management Plan 2017](#).

3.8.3. Consistent with the Disability Standards for Education 2005, consideration must be given to a student's needs and whether appropriate and reasonable adjustments have been made to reduce and prevent unsafe or noncompliant behaviours. This includes:

- Reviewing any reasonable adjustments in place for a student who has been suspended, including reviewing the way an adjustment is implemented; and
- Making any reasonable adjustments the principal considers would support the student, including changing the way an adjustment is implemented.

3.8.4. Reasonable alternatives must be exhausted prior to making a decision to suspend a student:

- This includes students with complex personal circumstances, for example with known unstable living conditions and/ or compromised protective factors. Where appropriate, reasonable alternatives should be planned, implemented and resourced. This may include individualised planning and flexible, alternative learning programs.
- Decision making should be informed by regular consultation with therapeutic specialist individuals/ teams (e.g. allied health professionals from the Education Support Office or external to the Directorate) to inform appropriate responses for students who have specific needs.

3.9. Communication and Documentation

3.9.1. Consistent with the Act Chapter 2A, unless an allowable exemption exists (3.9.7), the school must provide an opportunity for the student and their parents/ carers to be consulted and informed in writing about the proposed suspension, transfer or exclusion, prior to a decision being made (in this context, consultation between parties refers to a discussion to provide information and seek views but does not require consensus).

E.g. Communicating with a student's family via phone and then emailing the family information about a proposed decision, offering them an opportunity to provide further information relevant to the decision maker.

3.9.2. Translating and interpreting services must be used where they are required.

3.9.3. For a suspension, all attempts to contact the family (using available contact details), to inform them about the proposed suspension and how they can have their views heard should be documented.

3.9.4. The written advice to the parent/ carer will be considered the primary source of information in this circumstance and should make reference to previous attempts to contact the parent/ carer where appropriate.

3.9.5. The written advice must be provided in a language and way that the student and their parents/carers can understand.

3.9.6. The student must have a parent or other suitable adult chosen by the student present when taking part in the decision-making process. This does not limit the ability for schools to discuss the issue with students so they are aware that their parents/carers will be contacted for this purpose.

3.9.7. Written advice is not required to be provided to a parent/carers in the following circumstances:

- Where it would not be in the best interests of the student to give notice.
E.g. a court order prevents contact between a student and their parent; or
- It is not possible or reasonably practical in the circumstances to give notice.
E.g. despite reasonable efforts, contact details for a parent cannot be found.
- Where specified in Chapter 2A of the *Education Act 2004*
E.g. A principal decides to suspend a student in circumstances where the student's unsafe or non-compliant behaviour presents an immediate or imminent risk of harm to a person
- If the student is an adult, the written notice need not be given to the parent and must be given to the student.

3.10. Suspension

3.10.1. The following information must be provided in writing prior to a suspension decision, usually via email:

- A description of the student's unsafe or noncompliant behaviour;
- how the school has exhausted all reasonable alternatives to suspending the student;
- the proposed length of the suspension;
- how the school intends to support the student to continue their education during the suspension;
- how the student and their parent/carers can take part in the decision making process and have their views heard.

3.10.2. When deciding on whether to suspend a student, the decision maker will consider relevant information as outlined in 3.5 and 3.7.1

3.10.3. Once a decision has been made to suspend a student, a written notice must also be provided that includes:

- The grounds for the suspension; and
- The length of the suspension; and
- How the school will support the student to continue with their education during the suspension.

3.10.4. A principal may immediately suspend a student without providing a written notice or involving the student and their parents/carers in the decision-making process, when the student's unsafe or noncompliant behaviour presents an immediate or imminent risk of harm to a person. *E.g., The student was physically violent to another student or threatened to be physically violent to a staff member.*

3.10.5. When deciding to immediately suspend a student, a principal must:

- tell the parents, orally, about the proposed suspension, including the information usually outlined in the written notice; and
- give the written notice as soon as possible; and
- revise the suspension decision if appropriate after considering the views of the student and their parents/carers. A revised suspension notice should be issued if a decision is changed.

E.G. This may include reversing a suspension decision or varying the length of the suspension.

3.10.6. The school must notify the Occupational Violence and Complex Case Management Team by email, eduhealthandwellbeing@act.gov.au when a suspension relates to an incident involving a safety risk, as determined by a safety risk assessment, refer *Occupational Violence Management Plan*.

3.10.7. As soon as practical, schools must document the actions they are planning to take during the suspension period, to ensure it is utilised for constructive purposes and the student's re-entry to school is well planned for. These actions should also be communicated to parents/ carers and this communication documented.

3.10.8. Directors of School Improvement have access via the SAS to information about individual suspensions and suspension data. For example, a suspension record and proposed actions, or system level information about suspension rates.

3.10.9. The school must complete the relevant sections in the SAS, including details of the incident leading to the suspension, details of the suspension and the actions to be taken during suspension. This includes recording if a restrictive practice was used as an emergency response, refer *Safe and Supportive Schools Policy 2016*.

3.10.10. Schools must also follow reporting and recording processes for incidents that may be deemed as critical as outlined in the Critical/ Non Critical Incident Management Policy 2016.

3.10.11. Use of the SAS automatic notifications and electronic distribution options will ensure administrative tasks relating to this procedure are efficient and have the least impact on workload.

3.11. During a Suspension, Student Support and Re-entry to School

3.11.1. The student must remain at school until the end of the school day or until arrangements have been made with the student's parent/ carer for collection, unless their presence at school creates a risk to safety.

3.11.2. The first day of the suspension period is counted as the day the principal gives a suspension notice to the student's parents/carers or the day stated in the suspension notice.

3.11.3. The principal must ensure that the student is given the learning materials and support needed to continue their education during the suspension period.

3.11.4. The suspension period is utilised for the purposes outlined in 2.7.1 of the *Suspension, Transfer and Exclusion of a Student in ACT Public Schools Policy 2022*. Schools should commence re-

entry planning for students who have been suspended as soon as possible following a decision being made to suspend a student.

3.11.5. The objective of re-entry planning is to achieve a safe and durable return to school for the student at the conclusion of the suspension period.

3.11.6. Re-entry planning should be undertaken in consultation with the student and parent/carer (where appropriate). It may also involve support and advice from school based staff, school wellbeing teams, allied health and the Education Support Office. .

3.11.7. The school will develop or review a positive behaviour support plan wherever possible with the parent/ carer and the student where appropriate, to assist the successful re-entry to school.

3.11.8. The school will review any reasonable adjustments in place for the student prior to the unsafe or non-compliant behaviour giving rise to the suspension, including reviewing the way an adjustment is implemented, and make any reasonable adjustments or variation to the way an adjustment is implemented that would support the student.

3.11.9. Where there are patterns of ongoing issues affecting the student's engagement with learning, the school is responsible for seeking support, for example, from the school psychologist and/ or community agencies.

3.11.10. For any student whose previous behaviour has posed a safety risk, all staff who provide educational service delivery to the student will be informed of additional or reviewed controls, including support strategies, to be implemented to ensure the risk is mitigated.

3.11.11. Students who are suspended for more than seven days in a school term (whether consecutive or otherwise) must be provided with opportunity to attend counselling.

E.g. by the school psychologist, counsellor or other appropriately skilled adult as identified by the principal. This is an opportunity for the principal, student and parent/carer to discuss identified issues that led to the suspension. Student attendance at counselling is not compulsory.

3.11.12. Prior to the student returning to school following suspension, the principal or delegate may convene a re-entry meeting with the student (where developmentally appropriate) and their parents/ carers.

3.11.13. Where a re-entry meeting occurs, it should focus on planning for the student's successful re-entry to school rather than re-exploring the suspension incident. The format of the re-entry meeting should consider the student and their parent/ carer support needs, for example considering cognitive, communication, social and emotional skills.

3.11.14. Re-entry dates should be provided at the time a suspension is documented and communicated to the student and their parents/ carers as uncertainty may contribute to the stressors already being experienced by the student and their family. This is particularly relevant to suspensions applied at the end of term and leading into a school holiday / stand-down period.

3.12. Length of Suspension

3.12.1. Principals may approve up to 20 days suspension, however the period of suspension should not exceed the period of time required to restore a safe and effective learning environment.

3.13. Recurrent Suspension

3.13.1. With recognition to the small number of students in the ACT who are at risk of being involved in a cycle of suspensions and reduced school attendance, to ensure the school and student are well supported, the following applies when a student has been suspended more than once:

- where the number of suspension days for an individual student is greater than 20 days in a school year, an automated notification from the SAS will be generated and sent to School Operations to inform discussions with the school principal;
- School Operations will monitor the use of suspension for the student and ensure that appropriate support is being utilised, including reasonable adjustments being made to accommodate the student's needs and necessary referrals where additional support is required;
- as part of considerations School Operations and the principal will undertake to consider the impact on the student and family of the recurrent suspensions;
- where suspension is not achieving the desired outcome to change the student's behaviour at school, an alternative to suspension should be considered;

3.13.2. A new suspension must not start immediately after another suspension ends. However, where a student re-enters and engages in behaviour that is unsafe or non-compliant in a way that affects the safety or effectiveness of the learning environment, this may give rise to a new suspension.

3.14. Mutually agreed decision regarding student leave

3.14.1. Where there is mutual agreement between the school and parent/carer that a student should leave/ miss school for part of the day, mutually agreed leave may be considered. This would only be used where there is a reasonable excuse for absence from school relating to the student's wellbeing and/ or avoiding a significant behavioural incident from occurring. In this circumstance, the parent/carer should use the regular sign in or out processes to document they have assumed responsibility for the student's care.

3.14.2. The student's absence should be marked with the corresponding explained absence code at the time this leave is utilised. This indicates there is mutual agreement for the student to take part day leave between the parent/ carer and school. The school should make reference to where mutual agreement for leave is documented, for example in the positive behaviour support plan and/ or in the negative incident text.

3.14.3. Mutually agreed leave is intended for use in specific situations as a proactive strategy to support a student's wellbeing and/ or to manage safety, it cannot be used in place of a suspension.

3.14.4. Where mutually agreed leave is an agreed strategy relating to the student's wellbeing and/ or to manage safety, support planning should be undertaken with the parent/ carer (and where appropriate the student) and documented against the absence record and described on the relevant planning document.

- This will include the development or review of an individual positive behaviour support plan (that may include a protective action plan). It may also include the development or review of an individual learning plan and/ or individual safety risk assessment and/ or return to school plan.
- Documentation should demonstrate the rationale for leave, agreement of the school and parent/ carer, the duration of the agreement and the plan to support the student to increase their school attendance to full-time.

3.14.5. Schools and parents/ carers should regularly communicate to ensure that agreement to use this strategy remains mutual and if at any point in time there is a change in either parties' view/ position on mutually agreed leave, a review of the plan should take place. Schools cannot insist or direct a parent/ carer to take the student home if the parent/ carer does not agree; unless the

student is ill, is confirmed to have an infectious disease refer *Infectious Diseases – Outbreak Procedures and Exclusions Period Policy 2016*, or a suspension is in place.

3.14.6. Where there are ongoing reasons for the student being unable to meet full-time attendance requirements an exemption certificate procedure should be followed, refer to the *Compulsory Education Student Attendance and Enrolment Policy 2022*.

3.15. Transfer

3.15.1. A transfer is a Directorate initiated process used for moving a student from one school to another school.

- A transfer does not include situations where a parent/ carer voluntarily enrolls a student in different school. Voluntary re-enrolment may follow advice from the Directorate, usually the school principal.

3.15.2. A *supported new enrolment* is when a parent chooses to enrol in a new school and requires support from principals and or the ESO to ensure a successful transition.

3.15.3. The principal may recommend that a student be transferred to another public school for purposes outlined in the *Suspension, Transfer and Exclusion of a Student in ACT Public Schools Policy 2022*. The recommendation must include:

- the grounds for the proposed transfer including details of the students unsafe or noncompliant behaviour and how they have exhausted all reasonable alternatives to transfer.
E.g. suspension
- the school to which the student is to be transferred;
- the day the transfer is to take effect;
- steps taken to involve the students and their parents in the decision-making process and any views shared, noting that consultation does not require consensus;
- any other information that the principal considers would assist the director-general in deciding whether to transfer the student.

3.15.4. All transfer recommendations will be examined by a panel comprised of three members who will seek further information to assist them where necessary to provide advice to the Director-General (or delegate) about a transfer decision. The three panel members may include:

- Directors of School Improvement
- The Executive Branch Manager, Student Engagement
- Psychologists or allied health professionals employed within the Education Directorate

3.15.5. The Director-General will make a decision about transfer after receiving the recommendation and will advise the parents/ carers, student and principal and where appropriate the Executive Branch Manager, Student Engagement of the decision.

3.15.6. When a student is transferred to another public school, the current school should commence communication and transition planning with the new school at the earliest possible date to ensure strategies are in place before the student starts at the new school. It is the responsibility of the school the student is leaving to ensure the student has opportunity to attend counselling, noting the counselling itself might be provided by either school.

3.15.7. Principals may seek support from the Education Support Office.

3.16. Exclusion

3.16.1. Exclusion is used in exceptional circumstances outlined in the *Suspension, Transfer and Exclusion of a Student in ACT Public Schools Policy 2022* and can only be used for students not of compulsory education age.

3.16.2. The principal may recommend that a student be excluded from all public schools for purposes outlined in the *Suspension, Transfer and Exclusion of a Student in ACT Public Schools Policy 2022*. The recommendation must include:

- the grounds for the proposed exclusion including details of the students unsafe or noncompliant behaviour and how they have exhausted all reasonable alternatives to exclusion. *E.g. transfer*
- any previous action taken under this chapter against the student and the behaviour giving rise to the action;
- the day the exclusion is to take effect;
- steps taken to involve the students and their parents in the decision-making process and any views shared, noting that consultation does not require consensus;
- any other information that the principal considers would assist the Director-General in deciding whether to exclude the student.

3.16.3. Exclusions do not include where there is an agreed plan with the student and their parent/ carer to provide an alternative education option while remaining enrolled, to suit the student's individual circumstances, including their learning and wellbeing.

3.16.4. When recommending an exclusion of a student, the principal details, wherever possible and applicable, the appropriate adjustments made, appropriate support plans enacted (e.g. Individual Learning Plan, Positive Behaviour Support Plan and Protective Actions Plan) and data relating to the outcomes of this support.

3.16.5. While an exclusion of a student is in place, it prevents the student from continuing to be enrolled or being re-enrolled at any government school.

3.16.6. The principal of the school from which the student is being excluded must ensure the student is given information about options to continue their education after the exclusion. and work with the parent/ carer to ensure the student's circumstances are reviewed regularly, to enable them to return to school once it is assessed as safe.

3.16.7. The Director-General will make a decision about exclusion within 28 days and will advise the principal, student and parents/ carers and where appropriate the Executive Branch Manager, Student Engagement and People and Performance of the decision.

3.17. Reviewable Decisions

3.17.1. Suspension, transfer and exclusion are reviewable decisions.

3.17.2. Students and parents/ carers must be advised in writing that they have the right to apply for a review of a decision to suspend, transfer or exclude if they believe correct procedures have not been followed. Information on how to apply for a review of a decision can be found in the Directorate's *Review of Decisions Policy 2016* and its procedures and attachments.

3.17.3. Where an application for review is made, the school is responsible for amending the suspension, transfer or exclusion information on the student's record to indicate that the decision was reviewed, and the decision was upheld or overturned.

4. Contact

4.1. The Executive Branch Manager, Student Engagement, is responsible for this procedure is responsible for this procedure.

5. For support contact Student Engagement Branch on (02) 6205 6925 or email EDUDSEOffice@act.gov.au.

6. Feedback

6.1. Any feedback about this policy, should be raised with the policy owner. Refer to Contact information above.

7. References

Related Policies and Documents

Attachment A – Procedural Fairness and Natural Justice

Attachment B – Request for internal review of a decision to suspend a student

Attachment C – Recommendation to transfer a student

Attachment D – Recommendation to exclude a student

- [ACT Civil and Administrative Tribunal Act 2008](#)
- [ACTPS Work Health and Safety Policy Statement 2012](#)
- [Australian Student Wellbeing Framework 2018](#)
- [Complaints Policy 2016](#)
- [Compulsory Education Student Enrolment and Attendance Policy 2022](#)
- [Exemption Certificate Procedure 2016](#)
- [Human Rights Act 2004](#)
- [Infectious Diseases – Outbreak Procedures and Exclusions Period Policy and Procedures 2016](#)
- [Managing Occupational Violence Policy 2017](#)
- [Occupational Violence Management Plan 2017](#)
- [Review of Decisions Policy 2016](#)
- [Safe and Supportive Schools Policy 2016](#)
- [Safe and Supportive Schools Procedures A and B 2016](#)
- [Suspension, Exclusion or Transfer of a Student in ACT Public Schools Policy 2019](#)

PROCEDURAL FAIRNESS AND NATURAL JUSTICE

The rules of procedural fairness and natural justice include the right to a fair hearing, requiring that affected students be given a reasonable opportunity to be heard and an opportunity to state their case.

A reasonable opportunity to be heard requires that the affected person understands what they are accused of, had time and opportunity to put their case forward, and that the decision maker considers their response before reaching the final decision.

Generally speaking a 'lawful' decision in the context of the Directorate's schools is one where the relevant legislation, guidelines or policies have been adhered to, which takes account of all the circumstances and only relevant matters have been taken into account and has been made in an objective manner by an unbiased decision maker.

To ensure compatibility with the [Human Rights Act 2004](#), students should be supported by a suitable adult in all suspension, transfer and exclusion proceedings. In most cases a parent/ carer is the most suitable choice and should be involved at the earliest opportunity. However, a support person of the student's choice may be used in circumstances where a parent/ carer is not available or able to provide input.

In relation to suspensions, transfers or exclusions, procedural fairness involves:

The right to be heard, which includes:

- the right to know why the action is happening
- the right to know the way in which the issues will be determined
- the right to know the allegations in the matter and any other information that will be taken into account in determining the outcome
- the right of the person against whom the allegations have been made to respond to the allegations; and
- the right to an appeal.

The right of a person to an impartial decision, which includes:

- the right to impartiality in the investigation and decision-making phases
- the right to an absence of bias in the decision maker.

In meeting the requirements of procedural fairness, principals should establish whether interpreters are needed, and if so make arrangements for one to be available. Principals should also ensure that the parent/ carer, support person has access to all policies and procedures under which action is being taken. This would involve providing the web link, or printing copies at the request of the parent/ carer.

To ensure the elements of procedural fairness are met, it is appropriate to provide students and their parent/ carer with details of all allegations relating to the incident. Principals should inform parent/ carer that they have the right to seek documents through Freedom of Information procedures, if they are unhappy with the information provided.