



ACT
Government

Education

SUSPENSION OF A STUDENT: ACT PUBLIC SCHOOLS PROCEDURE MARCH 2024



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SUSPENSION OF A STUDENT: ACT PUBLIC SCHOOLS PROCEDURE 2023

This procedure must be read in conjunction with the Education Directorate’s *Suspension, Transfer or Exclusion of a Student: ACT Public Schools Policy 2024* (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 the *Suspension, Transfer or Exclusion of a Student: ACT Public Schools Policy 2024* and provides information for staff, parents/carers and students attending ACT public schools.
- 1.2. This procedure provides information about the use of suspension in ACT public schools to ensure that they are safe and effective learning environments.
- 1.3. This procedure applies to all ACT public schools, ACT Education Directorate (Directorate) staff, students and parents/carers of students attending ACT public schools.

2. Rationale

- 2.1. Suspension (immediate or non-immediate) may be used to manage student behaviour where their behaviour compromises the safety or effectiveness of the school learning environment because it is unsafe or noncompliant.
- 2.2. Suspension is the process of temporarily withdrawing a student from school grounds/environment and placing them in the care of their parent/carer when:
 - 2.2.1. they have engaged in behaviour which is unsafe or noncompliant; and
 - 2.2.2. the school has exhausted all reasonable alternatives to suspending the student; and
 - 2.2.3. it is reasonable to suspend the student after considering all the circumstances, including any views of the student and/or their parents/carers.
- 2.3. This procedure supports decision-makers to make decisions that:
 - 2.3.1. contributes to a fair and equitable approach by ACT public schools when suspending a student;
 - 2.3.2. reflects the roles and responsibilities of the principal and school-based staff, students, parents/carers, and the Education Support Office (ESO) when suspending a student from an ACT public school; and
 - 2.3.3. considers alternatives to suspension that may be used to support a safe and effective learning environment in an ACT public school.

3. Responsibilities

- 3.1. The **Director-General** is responsible for:
 - 3.1.1. ensuring that schools and the ESO are adequately resourced to meet their responsibilities in relation to suspensions including the provision of alternatives to suspension; and
 - 3.1.2. deciding to suspend or delegating the power to suspend a student in an ACT public school.
- 3.2. **Principals** are responsible for:
 - 3.2.1. implementing and maintaining a whole school positive behaviour support approach to reduce the incidence of unsafe or noncompliant behaviours resulting in suspension;
 - 3.2.2. using the authority delegated to them by the Director-General to suspend a student in a way that is consistent with Chapter 2A of the [Education Act 2004](#);
 - 3.2.3. exhausting all reasonable alternatives to suspension prior to deciding on a suspension;

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- 3.2.4. reviewing any reasonable adjustments that are in place for a suspended student, including reviewing implementation, and making any new reasonable adjustments that would support a sustainable return to school for staff and students;
 - 3.2.5. ensuring that students and their parents/carers are provided with an opportunity to engage in the decision-making process in a manner that affords them natural justice and procedural fairness;
 - 3.2.6. providing reasonable opportunities for students to access appropriate support and assistance including counselling by a trusted advisor where there is an identified need and/or when the student is suspended for seven (7) or more school days in a school term;
 - 3.2.7. providing students access to materials and support to continue their education during any period of suspension;
 - 3.2.8. where a student has been suspended, working with school staff, the student, and parents/carers to facilitate a safe and sustainable return to school;
 - 3.2.9. providing support to staff and students impacted by a negative behavioural incident and referring for additional support and assistance where required;
 - 3.2.10. providing the opportunity for restorative practice between impacted staff, students, and school community; and
 - 3.2.11. varying a suspension where appropriate.
- 3.3. **Education Support Office (ESO)** is responsible for:
- 3.3.1. providing advice and assistance to principals to address issues relating to suspension;
 - 3.3.2. providing advice and assistance to school staff to ensure safe and supportive learning environments;
 - 3.3.3. working with school staff to identify additional support and assistance that may be required to address challenging and complex student behaviour prior to and post suspension;
 - 3.3.4. providing complex case management and targeted supports to address student behaviour, which may include safety risk assessments and supporting connection with services across ACT government;
 - 3.3.5. supporting administrative and governance processes relating to suspension, including the process of review of decisions; and
 - 3.3.6. providing advice and assistance to staff impacted by an incident and referring for additional support where required.
- 3.4. **Directors School Improvement** are responsible for:
- 3.4.1. providing advice and support to principals about suspensions where required;
 - 3.4.2. making suspension decisions, where the principal or deputy principal of a school is unavailable; and
 - 3.4.3. reviewing suspension decisions where they are not the original suspension decision maker.

3.5. School staff are responsible for:

- 3.5.1. using a whole school positive behaviour support approach to reduce the incidence of unsafe or noncompliant behaviours and consequently the suspension of a student;
- 3.5.2. facilitating early support, including appropriate referrals, where a student is disengaged or at risk of being suspended, disengaged and/or there is a pattern of behaviour of concern;
- 3.5.3. developing and implementing appropriate plans to support behavioural change;
- 3.5.4. working with the ESO to identify additional support and assistance that may be required to address challenging and complex student behaviour prior to and post suspension;
- 3.5.5. ensuring data is recorded in the School Administration System (SAS) about incidents that relate to unsafe or noncompliant behaviours and suspension;
- 3.5.6. ensuring that workplace incident reporting is documented via the appropriate ACT Government portal for any workplace event that endangers the health and safety of a person; and/or results in injury or disease, however minor, including dangerous occurrences.
- 3.5.7. following reporting and recording processes, including mandatory reporting obligations under the [Children and Young Persons Act 2008](#), and critical incident reporting as outlined in the [Critical/Non-Critical Incident Management and Reporting Policy 2016](#).

3.6. Students are responsible for:

- 3.6.1. complying with expectations of behaviour which are established within their school;
- 3.6.2. identifying any actions or supports that may support them to attend school safely and effectively where they have capacity to do so;
- 3.6.3. where appropriate engaging in restorative practices to address the impacts of behaviour on self and others;
- 3.6.4. not attending school grounds during the period of any suspension;
- 3.6.5. deciding whether to engage in counselling and assistance where it is offered; and
- 3.6.6. engaging with learning materials that are provided to support their continued education during a period of suspension.

3.7. Parents/carers are responsible for:

- 3.7.1. treating school staff, students, and members of the school community with respect and complying with school behaviour procedures to contribute to a safe, effective, and respectful school environment;
- 3.7.2. engaging with school staff when attempts are being made to make contact;
- 3.7.3. working in partnership with the school to support their child's education and behaviour;
- 3.7.4. providing information that may assist with identifying behavioural supports for their child that could be used in a school;
- 3.7.5. providing information that may assist with identification of reasonable alternatives to suspension;

- 3.7.6. the supervision and care of their child during any suspension period that may be imposed;
 - 3.7.7. supporting their child to refrain from attending the school site during the period of the suspension; and
 - 3.7.8. participating in return to school meetings/conversations to support safe, effective, and sustainable return to school where their child has been suspended.
- 3.8. The suspension **decision-maker**:
- 3.8.1. The Director-General has the power to suspend a student from an ACT public school.
 - 3.8.2. The Director-General has delegated the power to suspend a student from an ACT public school to ACT public school principals, deputy principals and Directors School Improvement.
 - 3.8.3. If the principal of a school will be off site, they must inform another delegated party i.e., the person who will be assuming the roles and responsibilities of the principal during their absence and communicate this appropriately.
 - 3.8.4. If both the principal and deputy principal/s are off site and uncontactable, a school leader can contact the Director School Improvement to be the decision maker.

4. Suspension

- 4.1. Suspension is the process of temporarily withdrawing a student from school grounds/environment and placing them in the care of their parent/carer when:
- 4.1.1. they have engaged in behaviour which is unsafe or noncompliant; and
 - 4.1.2. the school has exhausted all reasonable alternatives to suspending the student; and
 - 4.1.3. it is reasonable to suspend the student after considering all the circumstances, including any views of the student and/or their parents/carers.
- 4.2. Suspension (immediate or non-immediate) may be used to manage student behaviour where their behaviour compromises the safety or effectiveness of the school learning environment because it is:
- a) **Unsafe**: poses an unacceptable risk (including psychosocial risk) to the safety or wellbeing of another student at the school, member of staff at the school or someone else involved in the school's operation. See Table 1 for examples. All behaviours are to be considered on a case-by-case basis within the context that they are occurring.

Table 1 – Examples of unsafe behaviour

Examples of what could be considered (but not limited to) unsafe behaviour	
Bullying	Ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm.
Harassment	Disrespectful behaviour towards a person that is persistent, repetitive, offensive, intimidating or humiliating and is unwelcome and unsolicited. It may be verbal, physical, social, or cyber and may be based on race, sexuality, ethnicity, religion, gender, age, disability or other.

Abusive/ Inappropriate language	Messages or use of words with the intent to cause harm. This includes, but not limited to - swearing, name calling, racist comments or inappropriate gestures.
Physical contact/aggression	Physical contact where pain and/or injury may occur, including: <ul style="list-style-type: none"> - inappropriate/unsolicited touching (brushing up against somebody) - hitting - punching - kicking - hair pulling - scratching - throwing of an object - spitting.
Drugs/Alcohol/ Smoking/ e-cigarettes	Possession or under the influence of a drug in a way that reduces the safety or effectiveness of the learning environment. This may include a drug which is: <ul style="list-style-type: none"> - illegal; or - a controlled substance that is being used contrary to health professional advice; or - that is harmful in the manner which it is being used; or - illicit drugs (i.e., marijuana).
Serious Threatening Behaviour	Threatening to inflict serious harm on another person. including: <ul style="list-style-type: none"> - possession or use of a prohibited weapon - making credible threats - stalking or cyber stalking - use of technology/social media to intimidate others - harassment and victimisation - vilification
Harmful sexualised behaviours (see: Responding to student harmful sexual behaviour - Education (act.gov.au))	Harmful Sexualised Behaviours covers a spectrum of behaviours, from those that are developmentally inappropriate and harm only the child exhibiting the behaviours, such as compulsive masturbation or inappropriate nudity, to criminal behaviours such as sexual assault. Some other examples of harmful sexualised behaviours include: <ul style="list-style-type: none"> - coercion, bribery, aggression, secretive behaviour, violence and/or causing harm to the child or others; - behaviour that is inappropriate for age/developmental capability, compulsive, excessive and/or degrading; - grooming behaviour (manipulative and controlling techniques to establish trust or normalise sexually harmful behaviour).

- b) **Noncompliant:** persistently disruptive behaviour or failing to follow a reasonable and lawful direction made to ensure the safety or effectiveness of the learning environment. See Table 2 for additional detail. All behaviours are to be considered on a case-by-case basis within the context that they are occurring.

Table 2 – Examples of non-compliant behaviour

Examples of noncompliant behaviour	
Defiance	Repeated refusal to follow directions in a way that reduces the safety or effectiveness of the learning environment.
Disruption	Behaviour causing prolonged interruption to teaching and learning, including: <ul style="list-style-type: none"> - sustained loud talking, yelling, screaming or noise making; - horseplay or roughhousing; - sustained distraction that disrupts the learning of others.
Truancy and Absconding	Intentional unauthorised absence from compulsory education in a way that reduces the safety or effectiveness of the learning environment.
Smoking/ E-cigarettes/Vaping	Repeated use of, or possession of contraband in a way that reduces the safety or effectiveness of the learning environment.

- 4.3. A decision-maker may decide to impose an immediate suspension or a non-immediate suspension, after considering whether there is an imminent or immediate risk of harm to another person.
- 4.4. If the student and/or their parents/carers provide any information relevant to the suspension, the decision-maker must consider the information in deciding whether to suspend.
- 4.5. A decision-maker may approve a suspension of up to 20 school days at a time, however the period of suspension should not exceed the period required to ensure a safe and effective learning environment. (Further information is available for school staff – see Suspension decision-making Fact Sheet).
- 4.6. The length of a suspension should be the minimum required to restore a safe and effective learning environment.
- 4.7. Table 3 below outlines possible negative behaviours that may be experienced in schools, and which may warrant the consideration of a suspension and the supports available to students and school based staff.

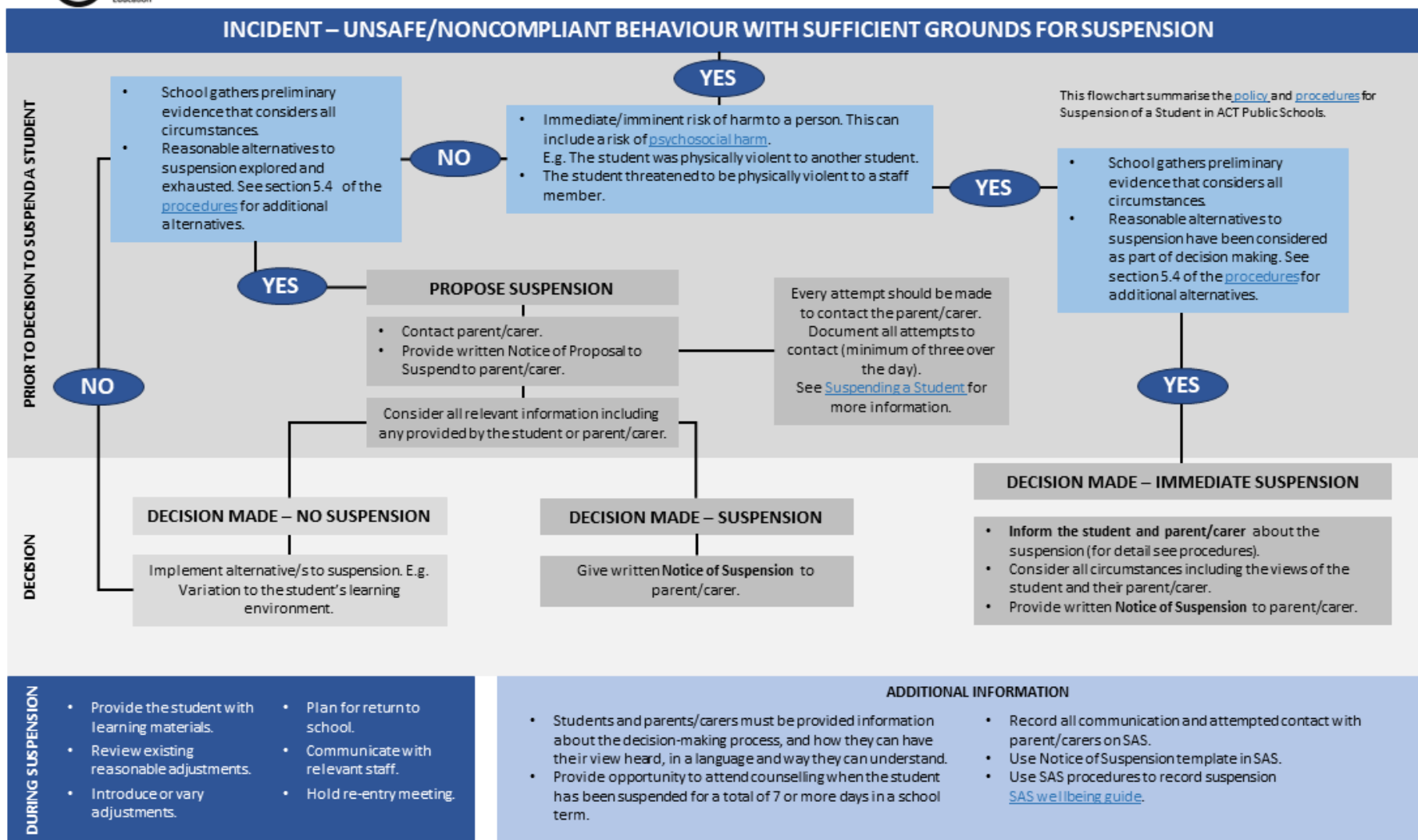
Table 3 – Suspension -behaviour and suggested supports

Suspension – behaviour and suggested support	
Behaviour type [Guidance only – some behaviour may require more intensive support than reflected in this table.]	Suggested support [The types of supports required will aid understanding the length of time for them to be provided. The list of supports is not exhaustive and could include combinations of supports.]
<p>Negative incident – major</p> <p>Higher likelihood of noncompliant recurrence and an imminent risk of safety or harm (immediate suspension may be considered)</p> <p>E.g. physical aggression, major defiance, ongoing or extreme bullying and harassment, severe disruption, serious threatening behaviour, forgery or theft, drugs and/or alcohol misuse</p>	<p>Students</p> <ul style="list-style-type: none"> • Support required from multiple external agencies • Support required from treating professionals • Complex case management (intensive) required from the ESO • Development of a support plan for the student • Detailed and comprehensive revision of a support plan • School review of fidelity of implementation of existing plans • Changes/repairs to the school environment requiring AMD/contractor input • Employment of additional staff (as identified in Occupational Violence Risk Assessment (OVRA)) to implement new revised plans. <p>Staff</p> <ul style="list-style-type: none"> • Workplace incident reporting system • Full OVRA review or new OVRA • ESO Well-being Assessment and plan • ESO and school well-being check in • Safety Analysis conducted • Employee Assistance Program <p><i>NB. These supports involve assessment and services external to school wellbeing teams and require a lengthier period of time to implement effectively.</i></p>
<p>Negative incident – major</p> <p>Lower likelihood of noncompliant recurrence and an imminent risk of safety or harm (non-immediate or immediate suspension may be considered based on based on risk of harm)</p> <p>E.g. physical aggression, defiance, bullying and harassment, serious disruption, threatening</p>	<p>Students</p> <ul style="list-style-type: none"> • Support required from a treating professional/allied health support • Support required from ESO • Development of a support plan for the student • More detailed revision of a support plan • School review of fidelity of implementation of existing plans • Changes/repairs to school environment <p>Staff</p> <ul style="list-style-type: none"> • Workplace incident reporting system • OVRA review or new OVRA • ESO Well-being Assessment and plan

behaviour, forgery or theft, drugs and/or alcohol misuse	<ul style="list-style-type: none"> • ESO and school well-being check in • Safety Analysis conducted • Employee Assistance Program <p><i>NB. Some of these supports involve assessment and services external to school wellbeing teams and require a moderate period of time to implement effectively.</i></p>
<p>Negative incident – minor</p> <p>Higher likelihood of noncompliant recurrence and has engaged in repeated unsafe or noncompliant behaviour (non-immediate suspension may be considered)</p> <p>E.g., bullying or harassment, inappropriate language, inappropriate physical contact, unsafe noncompliance</p>	<p>Students</p> <ul style="list-style-type: none"> • More intensive school-based supports through school wellbeing team or student services • School review of fidelity of implementation of existing plans • Supporting staff with addressing challenging behaviour e.g., reflect on the functions of behaviour • Review the learning environment • Minor revision of a support plan and implementation <p>Staff</p> <ul style="list-style-type: none"> • Workplace incident reporting system • School well-being check- in • Safety Analysis conducted • Employee Assistance Program <p><i>NB. Most of these supports involve supports available within a school and will most likely require a shorter period of time to implement effectively.</i></p>

- 4.8. Prior to the suspension ending, and after considering the views of the student and their parents/carers, the decision-maker may vary (shorten or extend) the suspension, within the 20-school day maximum. In varying a decision, the decision-maker must comply with the relevant notice provisions. A new Notice of Suspension must be issued if a decision is varied.
- 4.9. A new suspension must not start immediately after another suspension ends. Any further suspension must be subject to a separate decision, following these procedures.
- 4.10. A suspension checklist is available to principals. (Further information is available for school staff – see Alternatives to Suspension Fact Sheet).
- 4.11. *The Suspension: Decision-making, and process flowchart* (on the following page) supports the decision-making process for a suspension.

SUSPENSION: DECISION-MAKING AND PROCESS FLOWCHART



5. Exhausting all reasonable alternatives

- 5.1. Suspension may be used by the decision-maker where they are satisfied that all other reasonable alternatives to managing student behaviour have been exhausted. (Further information is available for school staff – see Alternatives to Suspension Fact Sheet).
- 5.2. A principal will determine any reasonable alternatives to suspension which will depend on the specific circumstances of the individual student.
- 5.3. Where there is an immediate or imminent risk of harm to another person there may not be an alternative to suspension.
- 5.4. Reasonable alternatives:
 - 5.4.1. Prior to suspending a student, a school must consider reasonable alternatives as suggested below.

Alternative Learning Arrangements	a student stays on school grounds and is supervised but does not attend class; this could be in a suitable or safe withdrawal space within the school or an alternative classroom.
Mutually Agreed Leave	is an absence where there is mutual agreement between the school and parent/carer that a student is not required to attend school for part of the day, for reasons relating to their wellbeing, or to prevent a significant behavioural incident from occurring.

- 5.5. The decision-maker must also consider additional circumstances, including:
 - a) the student's age;
 - b) whether the student has additional or complex needs, including consistency with the *Disability Standards for Education 2005*;
 - c) whether the student is, or comes from a family that is, experiencing social or economic disadvantage such that it may be difficult to support them during a period of suspension;
 - d) any other inherent characteristics or personal circumstances that may impact the effect that the suspension is likely to have on the student;
 - e) whether appropriate supports have been put in place and the extent to which these were implemented effectively;
 - f) whether any additional supports could be put in place or whether the implementation of these supports could be improved.
- 5.6. If the safety risks posed by the student's behaviour, or the impacts to the effectiveness of the learning environment cannot be addressed by the alternatives to suspension, the decision-maker should suspend the student.

6. Types of suspension

- 6.1. There are two types of suspensions: immediate and non-immediate. The type of suspension will be determined on a case by case basis.
- 6.2. In deciding the type of suspension, the decision-maker should consider whether there is an immediate or imminent risk of harm (i.e., impacting physical or psychosocial safety) to:
 - a) another student at the school; or

- b) a member of staff of the school; or
- c) someone else involved in the school's operation.

6.2.1. Further information is available for school staff – see Psychosocial Harm Fact Sheet

6.3. **Immediate suspension** – if there is an immediate or imminent risk of harm to a person, the decision-maker should consider an immediate suspension. This should be informed by:

6.3.1. The likelihood of harm occurring to anyone; and

6.3.2. The gravity of the harm that may occur.

6.4. The decision-maker must take action to ensure the safety and effectiveness of the learning environment at the school. Having done so, they must then provide students and parents/carers with a reasonable opportunity to participate in the decision-making process before formalising the suspension in accordance with the notice requirements.

6.5. The decision-maker must take reasonable steps to verbally provide the student's parents/carers with information about the suspension (including that it takes effect immediately) and how the student and their parents may take part in the decision-making process, including:

- a) the grounds for the suspension (including a description of the student's unsafe or noncompliant behaviour);
- b) how the school has exhausted all reasonable alternatives to suspending the student;
- c) the decision-making process for the suspension and how the student and their parents/carers may take part in the process and have their views heard;
- d) the proposed length of the suspension and return to school dates; and
- e) how the school intends to support the student to continue their education during the suspension e.g., sending a package of learning materials home with the student. (Further information is available for school staff – see Conversation Guide for Schools Fact Sheet).

6.6. The principal must, as soon as possible (but within one business day) of verbal notification, provide the student's parents/carers with a written Notice of Suspension (using the SAS generated template) which must include:

- a) the grounds for the suspension (including a description of the student's unsafe or noncompliant behaviour);
- b) how the school has exhausted all reasonable alternatives to suspending the student;
- c) the decision-making process for the suspension and how the student and their parents/carers may take part in the process and have their views heard;
- d) expectations of the student regarding the suspension period;
- e) how the school intends to support the student to continue their education during the suspension e.g., sending a package of learning materials home with the student or providing learning materials online;
- f) counselling by a psychologist, counsellor, or other suitable adult, if suspended for seven consecutive days or more in one term;
- g) the proposed length of the suspension and return to school dates; and
- h) the information regarding a review of decision of suspension and the timeframe for request of review.

- 6.7. For an immediate suspension, the period of suspension commences immediately when the decision is verbally notified to a student and/or their parents/carers.
- 6.8. The student must remain at school until arrangements have been made with the student's parents/carers for collection.
- 6.9. Non-immediate suspension – if there is no immediate or imminent safety risk but there is/has been a pattern of unsafe behaviour or noncompliance leading to concerns about the safety or effectiveness of the learning environment, a non-immediate suspension should be considered.
- 6.10. For a non-immediate suspension, students and parents/carers must be provided with a reasonable opportunity to participate in the decision-making process. The decision whether to suspend should be made within a one business day of receipt of further information from parents/carers.
- 6.11. Before deciding whether to suspend a student, the decision-maker must take reasonable steps to tell the student and give their parents/carers written notice about the proposed suspension.
- 6.12. The (SAS template) Notice of Proposal to Suspend is provided to parents/carers (usually by email) must include information about the proposed suspension, including:
 - a) the grounds for the suspension (including a description of the student's unsafe or noncompliant behaviour);
 - b) how the school has exhausted all reasonable alternatives to suspending the student;
 - c) the decision-making process for the suspension and how the student and their parents/carers may take part in the process and have their views heard;
 - d) expectations of the student regarding the suspension period;
 - e) how the school intends to support the student to continue their education during the suspension e.g., sending a package of learning materials home with the student;
 - f) counselling by a psychologist, counsellor, or other suitable adult, if suspended seven (7) or more consecutive days in one term;
 - g) the proposed length of the suspension in number of days and the return to school date; and
 - h) the information regarding a review of decision of suspension and the timeframe for request of review.
- 6.13. For non-immediate suspensions, the suspension commences at the date specified in the Notice of Suspension.

7. Documentation

- 7.1. When a negative behaviour incident occurs, it must be recorded in SAS and identified as a minor or major incident. Relevant evidence should be gathered and stored with the incident in SAS.
- 7.2. The evidence supporting a suspension decision may include information gathered from staff and students who have witnessed unsafe or noncompliant behaviour.
- 7.3. Where a student or their parent/carer has provided additional information, this information must be documented and considered as part of the evidence that informs the suspension decision.

- 7.4. In some circumstances the information provided by a student, or their parent/carer, following verbal or written notice of an immediate or proposed suspension may:
- a) lead to a different decision or variation from the proposed suspension;
 - b) include information that supports an alternative to suspension being implemented; or
 - c) confirm it is appropriate to make the proposed decision.

8. Communication and notice requirements

- 8.1. Information about a suspension decision or a proposed suspension decision must be provided to students and their parents/carers in a way that they can understand.
- 8.2. Translating and interpreting services should be used where they are required.
- 8.3. The student must have a parent or support person present when taking part in the decision-making process.
- 8.4. When a school makes contact, or attempts to make contact, with a student or parent/carer about a suspension the school must document/record the contact or attempted contact. (Further information is available for school staff – see Conversation Guide for Schools Fact Sheet).
- 8.5. Written notice to a parent/carer of a decision, or proposed decision, relating to a student is not required in circumstances where the decision maker is satisfied that:
- 8.5.1. it would not be in the best interests of the student to give the notice; or
 - 8.5.2. it is not possible or reasonably practicable in the circumstances to give the notice.
- 8.6. Suspension notice requirements vary based on the type of suspension.
- 8.7. For an immediate suspension, the school must:
- 8.7.1. contact the parents/carers where possible to inform them that their student has been immediately suspended; and
 - 8.7.2. provide opportunity for the parents/carers and student to respond; and
 - 8.7.3. issue a Notice of Suspension via SAS unless relevant information leads the decision-maker to reconsider immediate suspension.
- 8.8. For a non-immediate suspension, the school must:
- 8.8.1. issue a Notice of Proposal to Suspend via SAS; and
 - 8.8.2. provide opportunity for the parents/carers and student to respond; and
 - 8.8.3. following consideration of relevant information, if the decision-maker decides to suspend the student they must issue a Notice of Suspension via SAS.
- 8.9. For all suspensions schools must complete and issue a Notice of Suspension via SAS.
- 8.10. An immediate suspension requires a verbal notification to parents/carers followed by the written Notice of Suspension, which is required to be provided to parents/carers within one business day.
- 8.11. Schools must note that a non-immediate suspension requires a written Notice of Proposal to Suspend and be provided to parents/carers and after consideration of circumstances as set out in section 13 above. A written Notice of Suspension may then be provided to parents/carers.
- 8.12. The principal may modify the Notice of Proposal to Suspend, or the Notice of Suspension, to provide information about the individual circumstances of a suspension, provided it continues

to comply with the notice requirements outlined above. E.g., to provide additional information or details regarding the grounds for suspension or supports available whilst the student is suspended.

- 8.13. Schools must record details of the incident leading to the suspension in SAS, 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.

9. Return to school

- 9.1. The objective of the return to school process is to achieve a sustainable return to school for the student at the conclusion of the suspension period.
- 9.2. The proposed length of a suspension must be the minimum period required to restore a safe and effective learning environment and allow for return to school supports to be put in place. Internal guidance is available for decision-makers to support selection of an appropriate suspension length. (Further information is available for school staff – see Return to School Fact Sheet).
- 9.3. Return to school planning should be undertaken in consultation with the student and their parent/carer (where appropriate), and impacted staff. It may also involve support and advice from school-based staff including wellbeing teams, allied health staff and other ESO assistance as required.
- 9.4. For any student, whose previous behaviour has posed a safety risk, all staff who provide educational service delivery to the student must be informed of additional or reviewed controls, including support strategies to be implemented to ensure the risk is mitigated.
- 9.5. Prior to the student returning to school, the principal must offer a return to school meeting with the parent/carer and, where appropriate, the student. A return to school meeting should focus on planning for the student's sustainable return to school. The format of the return to school meeting must consider the student and their parent/carer support needs, for example considering cognitive, communication, social and emotional skills. (Further information is available for school staff – see Return to School Fact Sheet).

10. Frequent suspension

- 10.1. Students with complex needs or challenging behaviours may be at greater risk of a cycle of suspension. To ensure the school and student are well supported, the following applies when a student has been suspended more than once:
- a) where the number of suspension days for an individual student is greater than 20 school days in a school year, an automated notification from SAS will be generated and sent to School Operations to inform discussions with the school principal;
 - b) School Operations will seek support from Complex Behaviour Support and Work Health and Safety, and Education and Wellbeing Support Services, Branches, as required;
 - c) School Operations will inform the relevant Director School Improvement;
 - d) School Operations and the principal will consider the impact of the recurrent suspensions on the student and the student's parents/carers; and
 - e) the ESO 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.

10.2. Where schools are unable to deliver appropriate support for a student's behaviour at school, further advice can also be sought from the Education and Wellbeing Support Services Branch via email EBMEWSS@act.gov.au.

11. Reviewable decisions

11.1. Suspensions are reviewable decisions, for which written notice of the decision must be given.

11.2. Students and their parents/carers must be advised in writing that they have the right to apply for a review of a decision to suspend. This information must be provided when a Notice of Suspension is issued.

11.3. Information on how to seek a review of a decision can be found in the Directorate's [Review of Decisions Policy 2016](#) and its procedures and attachments.

11.4. A decision to suspend a student can be delegated by the Director-General, therefore an internal review of that decision is available.

11.5. When a decision regarding the review has been made, the ESO will direct the school to reflect the appropriate information and action about the suspension in SAS. The school is then responsible for amending the suspension information on the student's record to indicate that the decision was reviewed, and the decision was upheld, varied, or overturned.

12. Contact

12.1. The Executive Branch Manager, Complex Behaviour Support & Work Health and Safety, is responsible for this procedure.

12.2. For support contact Complex Behaviour Support & Work Health and Safety Branch on (02) 6207 6744 or email: EBMCBS.WHS@act.gov.au.

13. Feedback

13.1. Any feedback about this procedure should be raised with the procedure owner. Refer to contact information above.

14. References

Related Policies and Documents

- [Attachment A – Procedural Fairness and Natural Justice](#)
- [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](#)
- [Education Act 2004](#)
- [Exemption Certificate Procedure 2016](#)
- [Human Rights Act 2004](#)
- [Infectious Diseases – Outbreak Procedures and Exclusions Period Policy and Procedures 2016](#)
- [Managing Occupational Violence Policy 2017](#)
- [Managing Psychosocial Hazards at Work Code of Practice](#)

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- [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 2024](#)
- [Work Health and Safety Act 2011](#)

Internal use only

- [Alternatives to suspension Fact Sheet](#)
- [Conversation guide for Schools Fact Sheet](#)
- [Psychosocial Harm Fact Sheet](#)
- [Return to School Fact Sheet](#)
- [SAS Roll Marking Fact Sheet](#)
- [Suspension decision-making Fact Sheet](#)
- [Unsafe or noncompliant behaviour Fact Sheet](#)

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 the behaviour that they are said to have engaged in, had time and opportunity to put their perspective forward, and that the decision-maker considers their response before reaching the final decision.

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 proceedings. In most cases a parent is the most suitable choice and should be involved at the earliest opportunity. However, a support person (adult) of the student's choice may be used in circumstances where a parent is not available or able to provide input.

In relation to suspensions 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 behaviour they are said to have engaged in and any other information that will be taken into account in determining the outcome;
- the right of the person who is said to have engaged in the behaviour to respond; 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; and
- 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 or 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.

Principals should inform the parent that they have the right to seek documents through Freedom of Information procedures, if they are unhappy with the information provided.