

GUIDELINES

SUSPENSION

Responsibility of: School Support Services

Effective Date: June 2016

Next Review Date: June 2019

Target Audience: Principals, school staff, parents, students and school communities

FILE2016/625

EDOC2016/35446

Version Number: 1.0

1. INTRODUCTION

The department has a responsibility to its students and staff to provide a safe and supportive learning environment, which enables all students and staff to engage in meaningful learning experiences.

All schools must ensure that they have developed and implemented an integrated whole school positive behaviour framework that includes a continuum of procedures that both acknowledges positive behaviour, and supports behavioural needs. Although positive behaviour frameworks reduce disruptions to learning, at times, students may still demonstrate behaviour that **is likely to constitute a risk of physical or psychological harm to other persons at the school**.

Where a student presents such a risk, section 91 of the [Education Act](#) provides principals with the power to suspend that student from school by issuing a written notice. Suspending a student from attending school must only be considered **as a last resort** and where all other methods for addressing problematic behaviour have been exhausted. Schools should, wherever possible, explore alternatives to suspension.

These guidelines detail the legislative requirements and processes for Northern Territory government school principals and acting principals, to suspend a student from attending a school and for supporting a student's return to school following a suspension period.

1.1 Procedural fairness

When considering suspension, principals should ensure procedural fairness in their decision making. Procedural fairness in this type of decision making relates to a student and parent's right to:

- be told the allegations against them and be given the opportunity to see and consider the information that the principal is basing their decision on
- have an opportunity to be given a fair hearing before the decision is made, and
- have decisions made that are objective, considered and based on all the information gathered, from as many sources as possible.

A student may be removed from regular classes and supervised while an investigation into the matter occurs. It is important for parents to be engaged throughout the process, including prior to a suspension being issued, however, decisions to suspend should not be unduly delayed where a parent is unavailable or does not wish to cooperate where there are significant safety risks. Principals must attempt to make contact with the parents via telephone or in person wherever possible.

There will be instances where a student must be suspended and immediately removed from school grounds. This course of action must only occur where the risk to the physical or psychological safety of others at the school cannot be mitigated in any other way.

2. DEFINITIONS

Child living independently relates to a child who is of or above the age of 14 years and is not living with a parent.

Daily care and control of a child (in regards to the definition of parent) refers to a person who is entitled to exercise all the powers and rights, and has all the responsibilities, in relation to the day-to-day care and control of the child.

Re-entry meetings are held sufficiently in advance of a student's return to school following suspension and are for the purposes of exploring the ways in which students can be supported to reintegrate into the school community and to establish alternative strategies to avoid repeat behaviour.

Parent signifies a child's father, mother or any other person who has parental responsibility for the child, including a person who is regarded as a parent of the child under Aboriginal or Torres Strait Islander customary law or tradition.

Parental responsibility (in regards to the definition of parent) refers to a person who has:

- a) daily care and control of the child, or
- b) is entitled to exercise all the powers and rights, and has all the responsibilities, in relation to the long-term care and development of the child, or
- c) has daily care and control of the child and the entitlement and responsibilities at (b) and includes a person who has been given the above responsibilities under another state or territory law.

Principal, for the purposes of these guidelines, also refers to acting principals who have delegation to act on the principal's behalf in their absence.

Procedural fairness, for the purposes of these guidelines, refers to the procedures used by the principal to ensure that a fair and proper process is used when making a decision relating to suspension.

Student Administration and Management System (SAMS G2 and SAMS Classic, hereafter referred to as SAMS) is the standard student administration system used in all NT government schools to manage student enrolment, attendance and behaviour.

Student, for the purposes of these guidelines, is defined as any student enrolled in a Northern Territory Government school. A student could be under the age of 18 years or enrolled as a mature age student.

Written notices are, for the purposes of these guidelines, notices provided to a student and parent that clearly set out:

- (a) a decision and the reasons for it; and
- (b) any right the person to whom the notice is to be given has to apply for a review of, or to appeal, the decision. This must include any provisions for appeals under the *Education Act*.

3. ROLES AND RESPONSIBILITIES

Regional Directors are responsible for:

- ensuring principals and school staff are consistent and fair when managing student behaviour
- discussing and providing advice to principals, as appropriate, on suspensions, revoking or varying a suspension period or conditions of a suspension
- ensuring all schools in their region adopt a whole school approach to wellbeing and behaviour
- analysing and addressing data trends that demonstrate a pattern of behaviour management issues in schools.

Principals are responsible for:

- ensuring that their school develops and implements a whole school approach to wellbeing, engagement and behaviour and communicating behaviour expectations with the school community
- ensuring alternative options have been explored, prior to considering suspension
- adhering to the requirements of the Act and these guidelines when considering suspension
- preparing advice to senior executive staff in line with the department's Newsflash procedures and guidelines, where alleged conduct is of a serious nature or could result in police involvement, broader disruption to the community or media interest
- ensuring that appropriate course work is provided to the student during the suspension period
- prior to the end of the suspension period, ensuring verbal contact occurs (where the parent fails to establish contact) with the student and parents in a time frame that allows for sufficient planning to occur at a re-entry meeting
- facilitating a re-entry meeting with parents and students, to ensure a smooth transition to school which continues to support positive student behaviour, following a period of suspension
- accurately and efficiently recording suspension data into SAMS.

Parents are responsible for:

- ensuring that their child does not attend school during the suspension period
- following a suspension period, participating collaboratively and respectfully in re-entry meetings to ensure a smooth transition for their child back into the school setting.

4. GUIDELINES – PROCESS OF STUDENT SUSPENSION

4.1 Reasons for student suspension

Before suspending a student from school, a principal must be satisfied that, as a consequence of the student's behaviour, their presence at school is likely to constitute a risk of physical or psychological harm to other persons at the school. Suspension is not a punitive measure and therefore students must not be suspended for other reasons, such as non-attendance.

Decisions to suspend must:

- reflect the context, nature and seriousness of the student's conduct
- be applied fairly and consistently in a manner where students are not suspended for minor breaches of discipline or infringement of school rules.

It is essential that principals follow all required steps and clearly document both their actions and the reasons for their decision.

Refer to [Appendix A Student suspension flowchart](#) for an overview.

4.1.1 Categories and features of behaviour for suspension decisions

Prior to suspending a student, the principal must consider if both the location and the nature of the incident warrant a suspension. Table 1.1 provides a guide for making this assessment.

Table 1.1 Categories and features of suspension

| Category | Guiding features |
|------------------------------|---|
| CATEGORY A - Location | <p><i>(behaviour must have one of these features)</i></p> <p>Did the behaviour occur:</p> <ul style="list-style-type: none"> • at school? • travelling to or from school? • during a school activity at another location? • travelling to or from a school activity based at another location? • off-school grounds but continue to significantly impact other people at the school? |
| CATEGORY B - Nature | <p><i>(behaviour must have one of these features)</i></p> <p>Does the behaviour:</p> <ul style="list-style-type: none"> • pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person at the school? or • cause significant damage to or destruction of property? or • involve the participation in, attempt or actual theft of any property? or • include the possession, use or sale, or deliberate assistance to another person to possess, use or sell illicit substances or weapons? or • fail to comply with any clear and reasonable instruction of a staff member so as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person including themselves? or • demonstrate a consistent behaviour that vilifies, defames, degrades or humiliates another person based on: age; gender; identity; impairment; employment or vocation; marital status; physical features; political beliefs; race; religion; sexual orientation etc? • demonstrate consistent behaviour of an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student? |

Exceptional circumstances – severity

Where the behaviour is so extreme that the school assesses any return to school grounds at any time (immediate or future) would in and of itself present an unacceptable risk of physical or psychological harm, further periods of suspension may not be appropriate. Please refer to the [Expulsion guidelines](#).

4.2 Alternatives to suspension

Section 90 of the Act requires principals to consider a range of factors prior to making any decisions relevant to the management of a student’s behaviour. These include:

- a) the age of the student

- b) the developmental stage of the student
 - c) whether the student is a child with special learning needs
 - d) the mental health and wellbeing of the student
 - e) the physical health and wellbeing of the student
 - f) any relevant religious or cultural considerations
 - g) the student’s home environment and the arrangements in place for the student’s care.
- Student suspension is a serious sanction that should only be considered when all other methods for managing student behaviour have been explored.

Refer to [Appendix B – Alternatives for suspension and strategies to effectively manage classroom behaviour](#) for further information.

4.3 Issuing a written notice of suspension

Where a principal is satisfied that the student is likely to present a risk, they may suspend the student from attending school by issuing a written notice to the student in accordance with section 91(2) of the Act. A [Notice of Suspension Template](#) has been developed to support schools in the issuing of a written notice in accordance with the Act.

Principals must attempt to contact the parent via telephone prior to issuing this notice.

As soon as possible after issuing the written notice of suspension to the student, copies must be provided to the parent of the child, the relevant Regional Director and the Chief Executive. A [Parent Letter Template](#) is also available to assist schools in complying with this function.

Parents or a child living independently have a right to respond prior to a decision about suspension being made. They may wish to respond to:

- (i) the alleged behaviour giving rise to the suspension
- (ii) whether or not they believe the behaviour warrants suspension; and
- (iii) the length of the proposed suspension.

Suspension document checklist

| To the student (refer to Notice of Suspension Template) | To the parent (refer to Parent Letter Template) | To the Regional Director and Chief Executive |
|--|--|--|
| <input type="checkbox"/> Written notice of suspension which: <ul style="list-style-type: none"> • details the reasons for suspension, the period of suspension and any relevant conditions. • includes a copy of sections 91 and 94 of the <i>Education Act</i>. | <input type="checkbox"/> Letter to parent which includes: <ul style="list-style-type: none"> • a copy of sections 91 and 94 of the <i>Education Act</i>. • a copy of the Written Notice of Suspension. | <input type="checkbox"/> Copy of the Notice of Suspension provided to the student. |

4.4 Conditions on suspension

A written notice can include any conditions that the principal considers appropriate. Details of the conditions must be clearly stated and students must comply with this. Examples of conditions include:

- student must not attend school grounds except for the purposes of participating in a stipulated/compulsory assessment (for example NAPLAN or NTCET external assessment) or

- student must cease all contact with a particular student/s, including on social media (particularly where there has been an altercation) during the suspension period.

Where a school is made aware that a student has failed to comply with any conditions, further disciplinary action can result.

4.5 Periods of suspension

When determining the appropriate length of suspension, a principal must consider a number of factors including: the context, severity of the student’s behaviour and whether there have been incidents of a similar nature; the student’s age and developmental stage; the educational impact of suspension; and the safety and wellbeing of both the student and others at the school.

Section 91(5)(a) and (b) of the Act allows for students to only be suspended for a maximum period of 20 school days, or if they have been expelled, until such time as the expulsion takes effect. Principals should ensure they take into consideration lengthy periods of school closure (for example school holidays) and impact on student’s learning when determining the suspension period.

Principals may also impose **partial periods** of suspension where a student is suspended for a prescribed number of hours during a school day, or a prescribed number of days per week.

Partial suspension could arise when a student is reintegrating into the school after a serious incident, or where their presence in a particular activity (for example, outdoor education programs) is not appropriate due to their previous behaviour in that activity. Some examples are listed below:

| Example | Suspension period |
|---|--|
| A student is suspended for 5 days from 2 May 2016. | <i>Student can return to school no later than 9 May 2016 – or the nearest school day thereafter.</i> |
| A student, whilst in school uniform, has assaulted another student as the bus transit depot after school hours. | <i>Student’s actions present a risk of further harm to others at school in view of the incident that happened off school grounds. After assessing the context in which the incident occurred and the factors listed in section 4.2 of these guidelines, student is suspended for a period of 3 days.</i> |
| A determination regarding expulsion is being made in relation to the student. | <i>Student is issued with a written notice of suspension for 20 days pending the expulsion decision. If the determination is not made within this period, student is issued with another 20 day suspension.</i> |
| A student has assaulted another student and is being reintegrated into the school environment. | <i>Student is issued with a partial suspension allowing their attendance for three days per week to monitor behaviour in class.</i> |
| A student was acting recklessly in a home economics class by wielding a knife. The class is timetabled for Monday mornings. | <i>Student is issued with a written notice suspending their attendance from school on Monday mornings for a period of four weeks.</i> |

4.6 Leaving school grounds

The time at which the suspended student is required to leave the school should be made with consideration to the student’s age and other relevant factors including, in particular, his/her

safety on the way home from school and when they get home. Parents must be contacted to attempt to make appropriate arrangements to collect their child from school.

Where there is any concern in relation to the student's wellbeing, every effort must be made to keep the child at the school and under supervision until the normal school finishing time and the student is able to go home by the usual means. In serious circumstances, principals should contact their Regional Director for advice.

4.7 Attending school during the suspension period

Students are not permitted on school premises during the suspension period except where permitted by the conditions of the suspension (i.e partial suspension) or by the principal for the purposes of discussing the suspension or re-entry plans.

Section 94(1)(b) of the Act states that it is the parent's responsibility to ensure non-attendance at school during a period of suspension. Failure to do so may result in penalties being applied.

4.8 Revoking or varying a period of suspension

Principals have sole decision-making power to vary or revoke a suspension period. Revoking or varying can be considered if they are satisfied that there is new evidence that was not available when the initial decision to suspend was made which may have influenced the outcome. It is essential that principals are confident that the student is no longer likely to present a risk of harm to others.

The principal may also vary or revoke a suspension if they are satisfied that the student is genuinely remorseful and has given genuine undertakings or agreed to comply with conditions appropriate for enabling the student's to return to school.

When a principal decides to revoke or vary the suspension/conditions they must:

- contact the department's Legal Services unit to assist with the drafting of an updated written notice
- issue the student with a new written notice in line with Act.

4.9 Re-entry to school

Prior to a student returning to the school following a period of suspension, the principal or nominated school staff must:

- arrange a re-entry meeting with the student (and parent, where appropriate) if contact has not already been established by the family
- advise the student that re-entry may include conditions to manage and monitor appropriate behaviour when the student returns to school
- consult with the student's parent (where appropriate) to develop a program to support the student's reintegration – this could include provisions about attendance, learning and clear strategies for the student to engage in alternative positive behaviours whilst at school
- involve relevant school staff or other support services (such as Department of Children and Families case workers, pediatricians or treatment providers) in the development and implementation of the student's reintegration program
- provide opportunity for the student to bring other nominated support, should parents or school staff not be appropriate/available.

The principal must also follow the above steps for re-entry to school where a student's suspension has been either revoked or varied.

5. COMPLAINTS

In the event that a parent or student is not satisfied with the decision made by the principal about suspensions, they may lodge a complaint with the department. All requests must be made in writing to schoolops.det@nt.gov.au and will be processed in accordance with the [Complaints policy and guidelines](#).

6. REPORTING AND RECORDS MANAGEMENT

All information collected in relation to the suspension of a student is to be used solely for the purpose of managing the student's behaviour and ensuring the safety of other persons at the school.

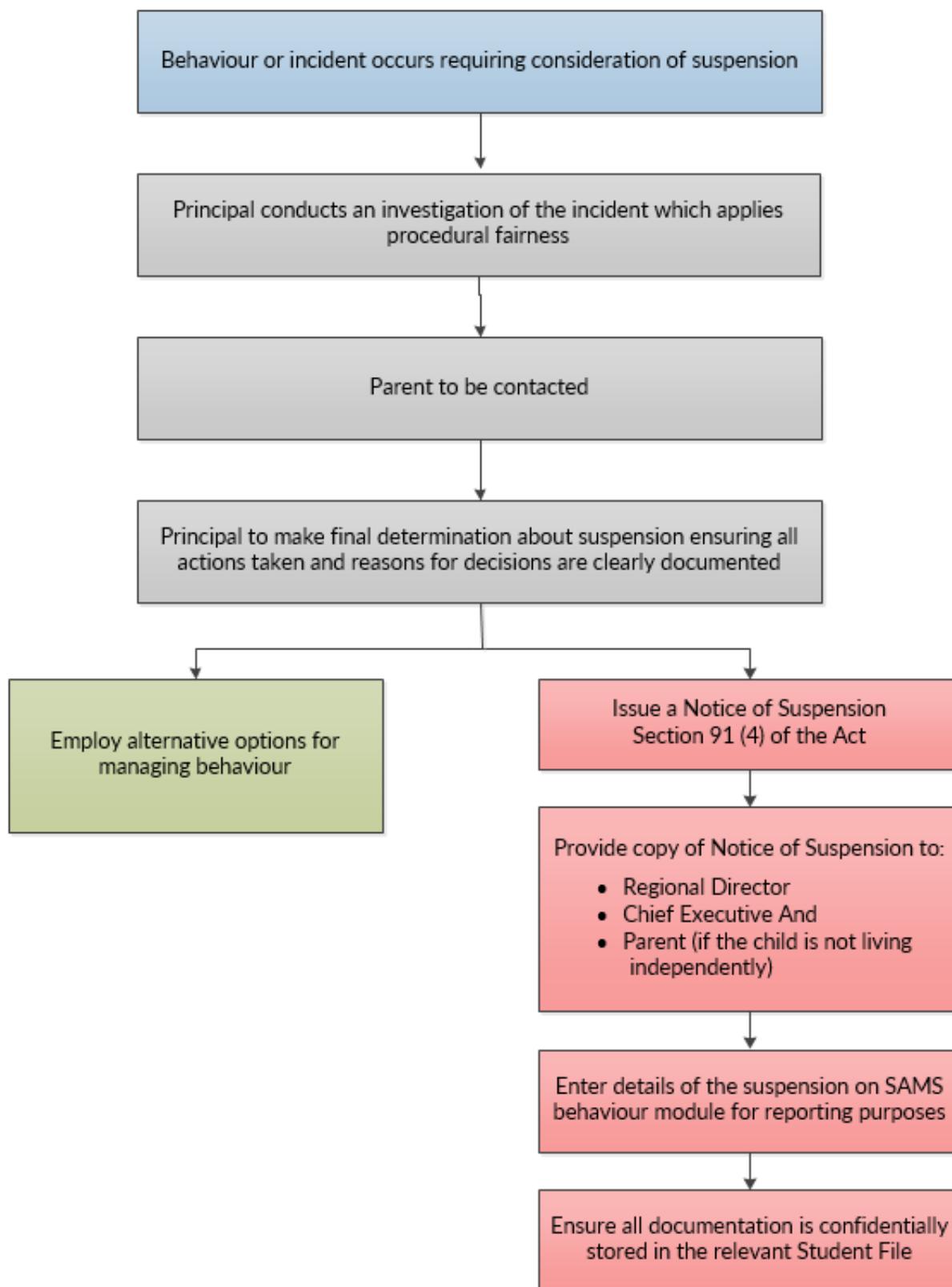
Schools must enter details of the suspension into the Student Administration and Management System (SAMS) behaviour module for departmental reporting purposes. For assistance in recording suspensions in SAMS, contact the Student Administration Systems (SAS) Team on 1800 446 961.

All relevant documentation must be filed in the Student Record Folder.

7. RELATED POLICY, LEGISLATION AND DOCUMENTS

| | |
|-------------------------|---|
| Department of Education | <ul style="list-style-type: none">• Students with Disability policy• Attendance – recording and reporting guidelines• Newsflash procedures and guidelines (staff access only) |
| Northern Territory | <ul style="list-style-type: none">• Information Act |

STUDENT SUSPENSION FLOWCHART



Appendix B

Alternatives to suspension

Student suspension is a serious sanction that should only be considered when all other methods for managing student behaviour have been explored. Alternatives could include:

| <i>Preventative</i> | <i>Responsive</i> |
|--|---|
| <ul style="list-style-type: none"> • Individual Behaviour Plans • Referral to appropriate service providers • Mediation • Consultation with parents, students and support services | <ul style="list-style-type: none"> • Mediation or restorative justice practices • In-school detention • Time-in or time-out • Service to the school community • A temporary loss of privileges (e.g participation in extracurricular activities) |

Strategies to effectively manage classroom behaviour

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| Strategies to effectively manage classroom behaviour | <p>Effective classroom management practices</p> <p>Classroom management strategies are universal practices that are powerful in increasing student achievement (Kratochwill, 2014; Hattie, 2012). These practices help to build a sense of community and foster relationships between teachers and students and among students. Effective classroom management strategies help to prevent student misbehaviour and missed instructional time.</p> |
| Foster Positive Relationships in the Classroom Community (Hattie, 2012) | <ul style="list-style-type: none"> • Positive, empathetic teacher-student relationships are powerful moderators of classroom management • Welcome students to class by name and encourage classmates to greet each other • Call or send positive notes home to acknowledge positive behaviour • Learn about students' strengths and needs, interests, families and accomplishments outside school • Build positive relationships among students by providing opportunities for group work • Create the sense that the teacher and all students are working together to learn and grow • Provide social and emotional learning opportunities for all staff and students |

Appendix B - Alternatives to suspension

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| <p>Establish an Inclusive Classroom Environment (APA, 2008)</p> | <ul style="list-style-type: none"> • Use and reinforce language that is respectful, gender neutral, and free of bias • Learn about and honour cultures that are represented in your classroom • Select curricular materials that reflect the cultures and life experiences of the students • Have high expectations and provide high levels of support for all students • Ensure instruction is matched to students' skill levels • Encourage and expect participation from all students • Provide additional support to the students who need it |
| <p>Make Data-Based Decisions to Support Positive Behaviour</p> | <ul style="list-style-type: none"> • Collect, maintain and monitor student behaviour data that includes both positive behaviour and instances of behavioural need • Examine student behaviour data by: <ul style="list-style-type: none"> - time of day - time of year - location - type of task - day of the week - the students who are involved. • Use data to identify positive classroom management strategies that effectively support classroom engagement, and strategies to address potential problems |
| <p>Teach, Review and Reinforce Clear Expectations</p> | <p>Teach, Review and Reinforce Clear Expectations (Newcomber, 2009)</p> <ul style="list-style-type: none"> • State classroom behaviour expectations positively (e.g. 'raise your hand') • Establish and maintain consistent behaviour expectations and procedures • Teach behaviour expectations in the context and location that they occur • Remind students of expectations prior to the routine or context • Monitor student behaviour and provide frequent and specific feedback • Praise or reinforce students for following expectations • Provide at least four positive comments for every directive or corrective comment • Review procedures/expectations periodically and preventatively |
| <p>Optimise the Physical Space of the Classroom (Newcomber, 2009)</p> | <ul style="list-style-type: none"> • Arrange furniture to allow easy traffic flow, make high traffic areas easily accessible and that seating and light arrangements are conducive to work • Ensure that students are supervised in all areas |
| <p>Create Routines for Common Activities/Tasks (Newcomber, 2009)</p> | <ul style="list-style-type: none"> • Working in groups versus independently • Communicating with students and families • Turning in homework, grading, and returning homework to students • Getting permission to use the restroom, go to the nurse, etc and rules around getting and returning classroom materials |

Appendix B - Alternatives to suspension

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| Provide Engaging Instruction (Kratochwill, 2014; Newcomber, 2009) | <ul style="list-style-type: none">• Establish clear learning goals and encourage higher-order thinking skills• Vary the method (lecture, audio, and video) and response format (group versus individual)• Vary response type (oral, written, active)• Move around the room, scan the room and interact with students• Positively and warmly acknowledge effort and participation• Use media and technology |
| Responding to Potential Problems (Newcomber, 2009) | <ul style="list-style-type: none">• Identify the issue and act quickly and calmly, and maintain emotional objectivity• Make simple, positively stated requests to help develop students' self-control and self-regulation skills• Acknowledge students who are engaging in appropriate behaviour• Identify the function of the behaviour and any related skill deficits• Develop a plan that addresses the function and skill deficits of the student• Teach, model and reinforce skills or replacement behaviours• Recognise the student's positive attempts at changing behaviour and objectively follow school procedures for major behaviour problems• Preserve students' dignity, through encouragement, positive feedback which encourages students to participate rather than inhibiting their desire to try |