

Suspension

Interim Guidelines Term One 2021

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2	25/09/2020	Student Wellbeing and Inclusion	Minor amendment to section 5. Reasons for suspension
			Amendments to: Section 3 Roles and responsibilities: included principal using the Suspension Decision Making Tool.
			Section 5 Reason for Suspension: removal of requirement to consult with QSSS director when a student with disability is being considered for suspension.
3	08/02/2021	Student Wellbeing and Inclusion	Section 7 Consideration for students with disability: removal of requirement of Principal to consult with SWI when suspending a student with a disability. Included reference to using the Suspension Decision Making Tool.
			Section 14 Revoking or varying a period of suspension: removed the requirement for principal to contact QSSS when revoking or varying a suspension.

Acronyms	Full form
NT	Northern Territory
QSSS	Quality School Systems and Support
SWI	Student Wellbeing & Inclusion

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This document should be read in conjunction with:

- [Detention and Internal Suspension Guidelines](#)
- [Expulsion Guidelines](#)

1. Introduction

The Department of Education (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 they have developed and implemented an integrated whole school wellbeing and positive behaviour framework that includes a continuum of procedures that both acknowledges positive behaviour, and supports behavioural needs. Although wellbeing and positive behaviour frameworks reduce disruptions to learning, at times, students may 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 2015 \(NT\)](#) provides principals with the authority to suspend the 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 principals and delegates to suspend a student from attending a school and for supporting a student's return to school following a suspension period.

2. Definitions

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.

Parent signifies a child's father, mother or any other person (e.g. guardian) 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 delegates who are authorised to act on behalf of the principal and/or are educational site leaders regarded as having equivalent authority to a principal.

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.

Special learning needs under the [Education Act](#) includes any child that:

- a) has a disability under the [Disability Standards for Education 2005 \(Cwlth\)](#), or
- b) whose educational progress, because of a special factor other than a disability, is likely to suffer unless they have access to special education arrangements.

Student for the purposes of these guidelines, is defined as any student enrolled in a Northern Territory (NT) government school.

Student/child living independently for the purposes of these guidelines relates to a student/child who has been assessed by a Centrelink social worker and deemed to be independent.

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.

Suspension for the purposes of these guidelines, refers to suspending a student enrolled in a NT government school from attending the school because the student's presence is likely to constitute a risk of physical or psychological harm to other persons at the school. A suspension should not exceed 20 school days. (Section 91, the [Education Act](#)).

Written notices for the purposes of these guidelines, are 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](#).

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.

3. Roles and responsibilities

Director / Manager Quality School Systems and Support (QSSS) is 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 positive behaviour
- analysing and addressing data trends that demonstrate a pattern of behaviour management issues in schools.

Principals are responsible for:

- ensuring their school develops and implements a whole school approach to wellbeing and positive 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 [Education Act](#) and the guidelines when considering suspension
- using the *Suspension Decision-Making checklist for Principals* to ensure decisions are in line with the *Education Act 2015 (NT)*¹, *Disability Discrimination Act 1992 (Cwlth)*², the *Disability Standards for Education 2005 (Cwlth)*³ and the Suspension Guidelines
- advising the Director/Manager QSSS in line with the department's [Newsflash 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, if appropriate
- ensuring that prior to the end of the suspension period, 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 student wellbeing and positive behaviour following a period of suspension
- accurately and efficiently recording suspension data into SAMS.

Teachers and senior educators are responsible for:

- providing appropriate school work to the student to complete during the course of a suspension, if appropriate
- participating in re-entry meetings, where appropriate, to assist with a smooth transition for student/s back into school, following a period of suspension.

¹ <https://legislation.nt.gov.au/en/Legislation/EDUCATION-ACT-2015>

² <https://www.legislation.gov.au/Details/C2018C00125>

³ <https://www.legislation.gov.au/Details/F2005L00767>

Parents and students are responsible for:

- complying with the suspension period and/or conditions
- following the suspension period, participating collaboratively and respectfully in re-entry meetings to ensure a smooth transition back into the school setting.

4. Procedural fairness

When considering suspension, principals must 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 informed of the allegations against them and any proposed sanctions, and be given the opportunity to see and consider the information that a decision is being based on
- have an opportunity to respond before a decision is made
- have decisions made that are, at all stages, 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, where applicable, to be engaged throughout the process, including prior to an expulsion 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.

5. Reasons for suspension

Suspension should only be considered if the school has an active, school-wide positive behaviour policy and the child has an individual behaviour plan, positive behaviour plan or educational adjustment plan in place.

Before suspending a child 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.

Suspensions must be applied fairly and consistently and reflect the context, nature and seriousness of a child's conduct. A child should not be suspended for minor breaches of discipline or infringement of school rules.

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.

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? or • 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, in which case refer to the [Expulsion Guidelines](#).

6. Behaviour management considerations

Section 90 of the [Education 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:

- the age of the student
- the developmental stage of the student
- whether the student is a child with special learning needs
- the mental health and wellbeing of the student
- the physical health and wellbeing of the student
- any relevant religious or cultural considerations
- the student's home environment and the arrangements in place for the student's care.

Suspension is a serious sanction that should only be considered when all other methods for managing student behaviour have been explored. Refer to [Attachment 1: Alternatives to suspension](#).

7. Considerations for students with disability

When considering suspension of a child with disability, the principal should use the *Suspension Decision-Making Checklist for Principals* to ensure the child is not discriminated against, harassed or victimised in line with the [Disability Discrimination Act 1992 \(Cwlth\)](#) and the [Disability Standards for Education](#).

If suspension occurs, Principals can access support in relation to students with disability through contacting their allocated SWI/NCCD advisor as part of post suspension return to school planning.

8. Issuing a written notice of suspension

It is essential that principals follow all required steps and clearly document their actions and the reasons for their decision. Refer to [Appendix 2: Student suspension flowchart](#) for an overview.

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 [Education Act](#). Refer to [Attachment 3: Student letter template](#). **Principals must attempt to contact the parents 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, if applicable, and the relevant Director/Manager QSSS and the Chief Executive via SAMS. Refer to [Attachment 4: Parent letter template](#).

Parents or a student 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) the length of the proposed suspension.

<p style="text-align: center;">To the student</p> <p style="text-align: center;">(refer to Notice of Suspension Template)</p>	<p style="text-align: center;">To the parent</p> <p style="text-align: center;">(refer to Parent Letter Template)</p>	<p style="text-align: center;">To the Director/Manager QSSS and Chief Executive</p>
<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"> • <i>a copy of sections 91 and 94 of the Education Act.</i> • a copy of the Written Notice of Suspension. 	<input type="checkbox"/> Copy of the Notice of Suspension provided to the student.

9. 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.

10. 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
- whether there have been previous incidents of a similar nature
- the student's age and developmental stage
- the educational impact of suspension
- the safety and wellbeing of the student and others at the school.

Section 91(5)(a) and (b) of the [Education Act](#) states that student suspension should not exceed **20 school days**, or if the student is to be expelled, suspension occurs 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.

11. Partial periods of suspension

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 (e.g. 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.	Student can return to school no later than 9 May 2016 – or the nearest school day thereafter.
A student, whilst in school uniform, has assaulted another student at the bus transit depot after school hours.	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.
A determination regarding expulsion is being made in relation to the student.	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.
A student has assaulted another student and is being reintegrated into the school environment.	Student is issued with a partial suspension allowing their attendance for three days per week to monitor behaviour in class.
A student was acting recklessly in a home economics class by wielding a knife. The class is timetabled for Monday mornings.	Student is issued with a written notice suspending their attendance from school until 11:00 am on Monday mornings for a period of four weeks.

12. Leaving school grounds

If a student is suspended, parents must be contacted to make appropriate arrangements to collect their child from school as soon as possible. If it is not possible that a parent collect their child (or applicable, in the case of independent students), 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, their safety on the way home from school and when they get home.

Where there is any concern in relation to the student's safety in this regard, 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 Director/Manager QSSS for advice.

13. 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 (e.g. partial suspension) or by the principal for the purposes of discussing the suspension or re-entry plans.

Section 94(1)(b) of the [Education Act](#) states that it is the parent's responsibility to ensure non-attendance at school during a period of suspension. If a student is living independently, they are responsible for ensuring they comply with non-attendance requirements. Failure to do so may result in penalties being applied.

14. 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 issue the student with a new written notice in line with the [Education Act](#).

15. 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 Student Wellbeing and Inclusion, Territory 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.

16. Complaints

In the event that a parent or student is not satisfied with the decision made by the principal about the suspension, they may lodge a complaint with the department. All complaints will be managed in accordance with the [Complaints Management in Schools Policy](#).

17. 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 File on school premises.

18. Related policy, legislation and documents

Department of Education	<ul style="list-style-type: none">• Newsflash guidelines• Student Suspension Flowchart• Alternatives to Suspension• Notice of Suspension - template• Parent Letter - template• Complaints policy and guidelines
Northern Territory	<ul style="list-style-type: none">• Education Act 2015 (NT)
Commonwealth (Australian Government)	<ul style="list-style-type: none">• Disability Discrimination Act 1992 (Cwlth)• Disability Standards for Education 2005 (Cwlth)