

Disciplinary Consequences

To be integrated into Safe, supportive and disciplined school environment procedure

Overview

Each school determines the behaviour management strategies and disciplinary consequences which may be applied. Disciplinary consequences may include suspension, exclusion or cancellation of enrolment of a student. They can also include other strategies such as detention, *Discipline Improvement Plans* and *Community Service Interventions*.

Detentions, *Discipline Improvement Plans* and *Community Service Interventions* are optional disciplinary strategies which may be applied. They can be implemented to prevent the escalation of inappropriate behaviour or as a last resort alternative to suspension or exclusion. *Community Service Interventions* must take place **outside** of school hours. These disciplinary strategies may be delegated. Suspension, exclusion and cancellation of enrolment are strategies of last resort. Principals are **not** able to delegate decisions for suspensions, exclusions and cancellations of enrolment.

Failure to undertake a detention or *Community Service Intervention* during the weekend, or agree to a *Discipline Improvement Plan* is not a ground for suspension, exclusion or cancellation of enrolment. However, the original behaviour for which the disciplinary consequence was applied may amount to a ground for suspension, exclusion or cancellation of enrolment.

Responsibilities

- The principal is responsible for: developing a *Responsible Behaviour Plan for Students*; making and authorising decisions; assessing risks regarding disciplinary consequences; and documenting disciplinary consequences. Where principles of fairness (for example, relating to bias) make it inappropriate for the principal to make a decision, the Principal contacts the Director-General.
- The Director-General may delegate disciplinary decisions. If so, the delegate may exercise the Director-General's power. The Director-General or delegate is responsible for: responding to submissions made against a principal's decision to suspend a student for 11-20 days; a principal's decision to suspend a student on a charge-related ground¹; a principal's decision to exclude; and responding to a periodic review submission related to a permanent exclusion.
- The Director-General is responsible for: exercising the suspension or exclusion power of the principal if the principal of a state school or the Director-General reasonably believes it would be appropriate for the Director-General to exercise the power; making decisions about excluding a student from a school, certain schools, or all Queensland state schools; and responding to submissions against Director-General decisions.

Process

The Principal

- develops a *Responsible Behaviour Plan for Students* in consultation with the school community, which is consistent with this procedure and outlines the expected behaviour and the types of disciplinary consequences that may be used for inappropriate behaviour
- authorises staff to make decisions on and implement disciplinary strategies (except for suspensions, exclusions and cancellations of enrolment) in line with the *Responsible Behaviour Plan for Students*
- determines the school's procedures relating to detentions (for more information refer to the [Detention guidelines](#))
- for after-hours detention (including detentions on a day other than a school day):
 - arranges appropriate supervision by school-based employees
 - consults parents about a suitable day/time in which the detention is to be completed within any parameters set by the school

¹ As outlined in s282 of the EGPA

- notifies the student and their parent of the school's procedures, including the responsibilities of the student, parent and school in relation to supervision arrangements and start and finish times.
- develops a Discipline Improvement Plan in consultation with the student and parent (an optional template is available in OneSchool) (link to optional template)
- for Community Service Interventions (where students are under the direct supervision of the principal/teacher)
 - conducts a risk assessment and develops a risk management plan
 - ensures activities occur either on school grounds or as part of a school activity
 - arranges appropriate supervision of the participating students at all times by a school-based employee and ensures the students are adequately supervised at all times
 - obtains written consent from the student's parent
- for Community Service Interventions with a host organisation (students aged 14 years and over only) follows all the requirements of the Work Experience Placements for School Students procedure.

Applying disciplinary consequences

The Principal or Director-General (or delegate)

- undertakes an assessment of the behaviour, the level of risk and the appropriate level/type of disciplinary consequences to be applied
- takes into account a student's individual circumstances, such as the student's behaviour history, disability, mental health and wellbeing, religious and cultural considerations, home environment and care arrangements
- considers if another disciplinary strategy or consequence would be more appropriate
- documents disciplinary consequences in the individual student record
- takes account of the following requirements:
 - the principle of procedural fairness applies in all decision making
 - grounds for suspending or excluding a student apply to all students, including mature aged students
 - conduct of a student includes an omission to perform an act by the student
 - conduct may be a ground for exclusion even if the conduct does not happen on school premises or during school hours
 - an offence includes an act or omission committed outside of Queensland that would be an offence if it were committed in Queensland
 - if it is inappropriate to provide the notice directly to the student (e.g. due to a student's young age or disability) the student notice is included with the parent notice. If it is inappropriate to provide to the parents (e.g. if the student is living independently or is over 18 years) the notice is only provided to the student
 - submissions may be made to review 11-20 day suspensions, exclusions and cancellations of enrolment and to revoke a permanent exclusion on each 12 month anniversary of the exclusion decision until the student turns 24.

Suspensions (1 – 10 days, 11-20 days)

The Principal

- considers whether behaviour constitutes one or more of the following grounds under s282 of the EGPA:
 - disobedience
 - misbehaviour
 - conduct that adversely affects, or is likely to adversely affect, other students enrolled at the school
 - conduct that adversely affects, or is likely to adversely affect, the good order and management of the school
 - the student's attendance at the school poses an unacceptable risk to the safety or wellbeing of other students or staff of the school
- gives the student and parent the opportunity to consider the relevant evidence (for more information refer to the Investigations and gathering evidence fact sheet)
- gives the student and parent the opportunity to discuss the allegations and respond if they choose
- verbally notifies the student and parent of the suspension and the date on which it will commence
- is mindful of the school's duty of care and takes reasonable steps to ensure that parents have made appropriate arrangements prior to the student leaving the school grounds

- either: prepares a decision notice on the approved form for 1-10 day suspensions and gives to the student and parent as soon as practicable; or prepares a decision notice on the approved form for 11-20 day suspensions including details about making a submission to the Director-General or delegate and gives to the student and parent as soon as practicable
- takes reasonable steps to arrange for the student to access an educational program to allow the student to continue with their education whilst suspended
- appoints a school staff member as the contact for the suspended student
- ensures the suspension is completed in the current school year
- responds to any request from the Director-General or delegate for information if a submission is made (for 11-20 days suspensions only).

Suspensions (charge related)

The Principal

- considers whether behaviour constitutes one or more of the following grounds under s282 of the EGPA:
 - the student is charged with a serious offence (as defined in the Commission for Children Young People and Child Guardian Act 2000);
 - the student is charged with an offence, other than a serious offence **and** the principal is reasonably satisfied it would not be in the best interests of other students or staff for the student to attend the school while the charge is pending
- gives the student and parent the opportunity to consider the relevant evidence (for more information refer to the Investigations and gathering evidence fact sheet)
- gives the student and parent the opportunity to discuss the allegations and respond if they choose
- verbally notifies the student and parent of the suspension and the date at which it will commence
- is mindful of the school's duty of care and takes reasonable steps to ensure that parents have made appropriate arrangements prior to the student leaving the school grounds
- ensures a regional case manager is allocated through OneSchool
- prepares a notice on the approved form, including details about making a submission to the Director-General or delegate and gives to the student and parent as soon as practicable
- takes reasonable steps to arrange for the student to access an education program or a school of distance education to allow the student to continue their education while suspended
- responds to any request from the Director-General or delegate for information if a submission is made
- as soon as the charge is dealt with:
 - decides to propose to exclude the student and moves directly to the proposal to exclude process; or
 - decides not to propose to exclude the student and prepares a notice on the approved form stating that the suspension has ended.

Note: The *Education (General Provisions) Act 2006* provides that the principal may decide to end the suspension on a day before the charge is dealt with if the principal, after considering all the information and the risks, is satisfied it would no longer **not** be in the best interests of other students or of staff for the student to attend the school while the charge is pending. If so the principal must tell the student about the decision and give the student a notice on the approved form about the decision.

Submission against an 11-20 day suspension or charge related suspension²

The Director-General (or delegate)

- gathers any additional information required to address the points raised in the submission and provides de-identified copies of any relevant new materials that were considered to the student and/or parent to allow them to consider the material and to provide a response
- confirms, varies, or sets aside the decision to suspend the student following consideration of the submission, investigation report and any other relevant information provided
- informs the student, principal and parent of the decision as soon as practicable
- prepares a decision notice on the approved form
- as soon as practicable, sends a decision notice to the student, parent and principal.

² Definition of charge related – see footnote 1

Exclusion: Principal

The Principal

- considers exclusion only if suspension is inadequate to deal with the disobedience, misbehaviour, conduct³ or risk
- considers whether behaviour constitutes one or more of the following grounds under s292 of the EGPA:
 - persistent disobedience
 - misbehaviour
 - conduct that adversely affects, or is likely to adversely affect, other students enrolled at the school
 - conduct that adversely affects, or is likely to adversely affect, the good order and management of the school
 - the student's attendance at the school poses an unacceptable risk to the safety or wellbeing of other students or staff of the school
 - the student has been convicted of an offence **and** the principal is reasonably satisfied it would not be in the best interests of other students or of staff for the student to be enrolled at the school.
- gives the student and parent the opportunity to consider the relevant evidence (for more information refer to the Investigations and gathering evidence fact sheet)
- gives the student and parent the opportunity to discuss the allegations and respond if they choose
- ensures a regional case manager is allocated through OneSchool
- verbally notifies the student and parent of the suspension and the date at which the suspension will commence
- is mindful of the school's duty of care and takes reasonable steps to ensure that parents have made appropriate arrangements prior to the student leaving the school grounds
- creates a suspension with a proposal to exclude notice on the approved form in OneSchool and provides the notice to the student and parent as soon as practicable
- takes reasonable steps to arrange for the student to access an education program to allow the student to continue their education
- decides whether to exclude or not exclude, within 20 school days after giving the student the proposed exclusion notice
- creates a notice on the approved form in OneSchool outlining the decision to exclude or not exclude and provides details about the right to make a submission to the Director-General or delegate immediately notifies the student, their parent and regional case manager.

Suspension or Exclusion: Director-General exercising the power of the principal

The Director-General (or delegate)

- follows the same process as the principal if exercising the principal's power to suspend or exclude.

Exclusion: Director-General – Certain State schools or all State schools

The Director-General (or delegate)

- considers whether exclusion by the principal under division 3 is inadequate to deal with the disobedience, misbehaviour, conduct or risk
- considers whether behaviour constitutes one or more of the following grounds under s299 of the EGPA:
 - persistent disobedience
 - misbehaviour
 - conduct that adversely affects, or is likely to adversely affect, other students
 - conduct that adversely affects, or is likely to adversely affect, the good order and management of the school
 - the student's attendance at the school poses an unacceptable risk to the safety or wellbeing of other students or staff of the school
 - the student has been convicted of an offence **and** the Director-General is reasonably satisfied it would not be in the best interests of other students or of staff for the student to be enrolled at the school.
- gives the student and parent, if appropriate, the opportunity to view the relevant (de-identified) materials being considered and to respond to the allegations
- ensures a regional case manager is allocated

³ as defined in s282 (c) (d) and 282 (3) of the Education (General Provisions) Act 2006

- verbally notifies the student and parent of the suspension pending exclusion and the date at which the suspension will commence
- creates a suspension with proposal to exclude notice on the approved form and provides the notice to the student and parent as soon as practicable
- contacts OneSchool to request a Director-General flag is added to OneSchool if the decision is to suspend with a proposal to exclude
- takes reasonable steps to arrange for the student to access an education program to allow the student to continue their education
- considers any submission made by the student or parent against the proposal to exclude
- within 30 school days after giving the student the proposed exclusion notice, decides whether to exclude or not exclude
- creates a notice on the approved form outlining the decision to exclude or not exclude and details about the right to make a submission to the Director-General or delegate (where appropriate)
- as soon as practicable, notifies the student, their parent and regional case manager
- contacts OneSchool to update the Director-General flag.

Submissions against a Principal's or the Director-General's decision to exclude

The Director-General (or delegate)

- gathers any additional information required to address the points raised in the submission and provides de-identified copies of any relevant new materials that are being considered to the student and/or parent and provides an opportunity for them to respond to the material
- makes the decision to confirm, amend, or set aside the decision to exclude the student and creates a decision notice within 40 school days after receiving a submission
- informs the student, principal, case manager and parent of decision as soon as practicable and gives a notice to the excluded student, the principal and the parent within 7 days after telling the excluded student about the decision.

Periodic Review Submissions against permanent exclusion

The Principal, Director-General (or delegate):

- gathers any additional information required to address the points raised in the submission and provides de-identified copies of any relevant new materials that were considered to the student and/or parent and provides an opportunity for them to respond to the material
- makes a decision within 40 school days of receiving a submission to:
 - revoke (if: the disobedience, misbehaviour or other conduct is unlikely to recur, if the students were allowed to attend the school or schools; or the student's attendance at the school or schools no longer poses an unacceptable risk to the safety or wellbeing of other students or staff; or it would no longer **not** be in the best interests of other students or of staff for the student to be enrolled in the school or schools)
 - not revoke the decision to exclude the student
- gives written notice to the student, principal, parent and regional case manager of decision.

Cancellation of Enrolment

The Principal:

- considers that the behaviour of the student who is older than the compulsory school age amounts to a refusal to participate in the educational program provided at the school
- verbally provides a warning to the student of the refusal to participate, the school's expectations for participation in the educational program and allows the student a reasonable opportunity to meet the school's expectations
- has the option to provide the student (and parent if the student is under 18) with a written warning notice
- considers the evidence and makes a decision about whether to cancel the student's enrolment if the student continues to refuse to participate
- informs the student (and parent if the student is under 18 years of age) of the decision as soon as practicable
- creates a decision notice on OneSchool on the approved form if the decision is to cancel the enrolment and gives the student (and parent if the student is under 18 years of age) the notice which contains details about the right to make a submission to the Director-General or delegate.

Submission against the Principal's decision to cancel enrolment

The Director-General (or delegate):

- gathers information required to address the points raised in the submission, provides de-identified copies of materials that were considered to the student and/or parent and provides an opportunity for them to respond to the material
- confirms, varies, or sets aside the decision and substitutes another decision to cancel the enrolment of the student following consideration of the submission, investigation report and any other information provided
- informs the student, principal (and parent if the student is under 18 years of age) of decision as soon as practicable
- creates a written notice on the approved form of the decision and gives it to the student and/or parent as soon as practicable after telling the student.

Online Resources

Forms

All forms in OneSchool are approved forms. The following forms are also available on OnePortal:

- Optional Template – Record of Out of School Hours Detention
- Optional Template – Discipline Improvement Plan
- Consent Form – Community Service Interventions (under direct supervision of principal/teacher)

Online materials (in One Portal)

- Guidelines:
 - Community Service Interventions
 - Discipline Improvement Plans
 - Detention
 - Appeals (for students and parents)
- Fact Sheets:
 - Investigations and evidence gathering
 - Out of School Hours Detentions
 - Discipline Improvement Plans
 - Community Service Interventions
 - Suspensions
 - Exclusions
 - Cancellations of Enrolment

Definitions

Approved form

An approved form for a School Disciplinary Absence (SDA) is the departmental proforma located in OneSchool which has been gazetted as prescribed in part 12 of the *Acts Interpretation Act 1992*.

Community Service Intervention

A *Community Service Intervention* is a disciplinary option available to principals, with the consent of the student and their parent, to address inappropriate student behaviour. The student performs work or activities in their local community or school with a host organisation or under the supervision of a school staff member.

Compulsory school age

A child is of compulsory school age if the child is at least 6 years and 6 months and less than 16 years of age. However a child is no longer of compulsory school age if the child has completed year 10.

Discipline Improvement Plan

A Discipline Improvement Plan is a written agreement that sets out strategies and steps to improve a student's behaviour. It outlines the expectations for behaviour, the consequences for inappropriate behaviour and the support that will be provided by the school.

Dealt with

Dealt with in relation to a charge against a student for an offence means any of the following:

- the student is acquitted or convicted of the charge
- the student is convicted of another offence arising out of substantially the same acts or omissions as those constituting the charge
- the charge is withdrawn or dismissed or a nolle prosequi (a prosecutor's decision to voluntarily discontinue criminal charges either before trial or before a verdict is rendered) or no true bill (the prosecution decides not to

present an indictment against an accused person after the accused person has been committed by a Magistrates Court to stand trial in a superior court, thereby ending the prosecution) is presented in relation to the charge.

Procedural fairness

Procedural fairness comprises two elements:

- the right to be told the allegations against you, a reasonable opportunity to see and consider the evidence relied upon by the decision maker, an a reasonable opportunity to present your case and be given a fair hearing before the decision is made; and
- the right to have a decision made by an unbiased decision maker.

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