

## Suspension & Expulsion Procedures

### Audience & Applicability

All NSW public schools (excluding preschools).

Student behaviour includes behaviour that occurs:

- at school
- on the way to and from school
- on school endorsed activities that are off-site
- outside school hours and off school premises where there is a clear and close connection between the school and students' conduct
- when using social media, mobile devices and/or other technology involving another student or staff member, where there is a clear and close connection between the school and students' conduct.

### 1. Policy Statement

- 1.1 NSW Government schools embed positive behaviour approaches, safe practices and inclusive education. Schools implement inclusive and positive student behaviour support and management approaches aligned to the care continuum that establish support and maintain high expectations for student behaviour, in line with the Behaviour Code for Students.
- 1.2 The department rejects all forms of bullying behaviour including online (or cyber) bullying.
- 1.3 Schools develop behaviour support and management plans, including anti-bullying strategies, that prioritise continuity of learning and facilitate whole-school, prevention-focused and positive approaches to behaviour support, to meet the needs of all students.
- 1.4 Promoting positive behaviour requires schools to access support as early as possible and for system-level support to be proactive and responsive to schools' needs.
- 1.5 Some circumstances exist where more intensive and persistent behaviour management interventions are necessary to respond to, manage and address behaviour or behaviours of concern. These may include the following:
  - 1.5.1 Detention and timeout are planned interventions to allow students opportunities to reflect on and regulate emotions and behaviour.
  - 1.5.2 Formal cautions provide an opportunity for the student and their parents or carers to understand the impact of the student's behaviour or behaviours of concern and to engage in positive behaviour supports and strategies to address the behaviour or behaviours. See the Suspension and Expulsion Procedures.
  - 1.5.3 Suspension can be a critical safeguard that principals may use as a behaviour management intervention when a behaviour or behaviours of concern pose an unacceptable risk to others or to teaching and learning. The purpose of suspension is to allow the school to implement appropriate supports to address the student's complex and challenging behaviour or

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behaviours, mitigate any unacceptable risks to students and staff and enable the student's return as soon as is appropriate. See the [Suspension and Expulsion Procedures](#).

1.5.4 In the most serious of circumstances, where behaviour management interventions including suspension and other risk management strategies have not been successful in managing serious behaviour or behaviours of concern, expulsion is an option available to schools. The gravity of the circumstances requires that particular emphasis be given to procedural fairness. See the [Suspension and Expulsion Procedures](#).

- 1.6 Behaviour support and management interventions are implemented in line with the Australian Professional Standards for Teachers and the Disability Standards for Education in that they must be fair, equitable, inclusive and proportionate, and take into consideration the diverse learning and wellbeing needs of students, including developmental age, trauma, child protection concerns, cultural considerations, disability and individual needs and circumstances.
- 1.7 Procedural fairness will be afforded to all students and staff in implementing this policy (see [Legal Issues Bulletin 3 – Procedural fairness](#)).

## **2. Context**

- 2.1 All children and young people have a right to an education where students can access and fully participate in learning.
- 2.2 Schools are calm and safe environments that support teaching and learning. Supporting positive student behaviour is essential for quality learning, as well as the wellbeing and safety of all students and staff.
- 2.3 All students and staff have the right to be treated fairly and with dignity, both online and offline, in an environment free from intimidation, violence, harassment, victimisation and discrimination, including that based on sex, race, religion, disability or sexual orientation.
- 2.4 A behaviour of concern is challenging, complex or unsafe behaviour that requires more persistent and intensive interventions. A behaviour of concern does not include low-level, developmentally appropriate behaviour.
- 2.5 Bullying behaviour involves the intentional misuse of power in a relationship, is ongoing and repeated, and involves behaviour that can cause harm.
- 2.6 Principals, teachers and school staff acting in accordance with this policy (and related implementation documents) are acting with the authority of, and are supported by, the department.