

# Flemington Primary School



## Suspensions Policy



Help for non-English speakers

If you need help to understand the information in this policy, please contact Flemington Primary School on 9376 7137 or email [flemington.ps@education.vic.gov.au](mailto:flemington.ps@education.vic.gov.au)

## Policy

The purpose of this policy is to ensure all Victorian government schools comply with legislative and departmental policy requirements when implementing suspension procedures.

## Summary

- Suspension is a serious disciplinary measure and principals must consider alternative interventions and supports for students before proceeding to suspension as the appropriate action.
- Only a principal (including an acting principal) of the student's enrolled school has authority to make the decision to suspend a student. This authority cannot be delegated.
- Detailed requirements exist for the suspension process and it is essential that principals refer to the full mandatory [Suspension Guidelines and Procedures](#)  [<http://www2.education.vic.gov.au/pal/suspensions/guidance>](http://www2.education.vic.gov.au/pal/suspensions/guidance) in the Guidance tab when they are considering suspending a student.
- This policy is underpinned by Ministerial Order 1125.

## Details

[Ministerial Order 1125 – Procedures for Suspension and Expulsion of Students in Government School \(PDF\)](#)

[<https://content.sdp.education.vic.gov.au/media/ministerial-order-1125-2363>](https://content.sdp.education.vic.gov.au/media/ministerial-order-1125-2363) defines the grounds and process for suspensions and expulsions in Victorian Government schools.

When considering or implementing a suspension, principals must refer to and apply the procedures set out in the mandatory [suspension guidelines](#) and [procedures](#)  [<http://www2.education.vic.gov.au/node/1297>](http://www2.education.vic.gov.au/node/1297) in the Guidance tab. These guidelines and procedures have been developed to support and guide principals to meet their legal and policy obligations when they are implementing suspension procedures.

Suspension is a serious disciplinary measure and is best reserved for incidents when other measures have not produced a satisfactory response. Principals must consider alternative interventions and supports that can be provided to the student to address the reasons for the behaviour before proceeding to suspension.

The department's [Student Engagement Policy](#)  [<http://www2.education.vic.gov.au/pal/student-engagement/policy>](http://www2.education.vic.gov.au/pal/student-engagement/policy) and associated guidance and resources helps principals to promote positive student behaviour and respond to challenging student behaviour. The student engagement guidance also provides principals with supports and resources regarding disciplinary measures, refer to [Behaviour –Students](#)  [<http://www2.education.vic.gov.au/pal/behaviour-students/policy>](http://www2.education.vic.gov.au/pal/behaviour-students/policy)

# Authority to suspend

Only principals and acting principals have the authority to make the final decision to suspend a student from the school of which they are the principal. This authority cannot be delegated. Principals must seek regional director approval to suspend a student for more than 5 consecutive days or more than 15 days in total in a school year.

# Grounds for suspension

In order for suspension to be an option, the following conditions must be in place. The student's behaviour must have occurred:

- whilst attending school
- or travelling to or from school
- or while engaged in any school activity away from the school ● or travelling to or from any school activity

and, the student's behaviour must meet one or more of the following conditions:

- behaves in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person
- causes significant damage to or destruction of property
- commits or attempts to commit or is knowingly involved in the theft of property
- possesses, uses or sells or deliberately assists another person to possess, use or sell illicit substances or weapons
- fails 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
- consistently engages in behaviour that vilifies, defames, degrades or humiliates another person based on age, breastfeeding, gender, identity, impairment, industrial activity, lawful sexual activity, marital status, parent or carer status or status as a carer, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation, personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes
- consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student

Note: For incidents between students that occur outside of school hours or in locations other than those listed above, a suspension cannot be used as a response. The impact of cyberbullying (and other behaviours) outside of school hours or off school premises on students is acknowledged, however, if the behaviour does not occur at school or a school activity or when travelling to or from school or school activity, suspension is not an available recourse. If incidents outside of school hours are connected to behaviour that does meet the grounds and location requirements for suspension, this external behaviour may be considered when determining the response to an in-school incident.

For more information on responding to online incidents of concern, refer to [Digital Technologies – Responsible Use](http://www2.education.vic.gov.au/pal/digital-technologies-responsible-use/policy) .

# Procedures for suspension

Principals considering the suspension of a student must refer to the mandatory [Suspension Guidelines and Procedures](http://www2.education.vic.gov.au/pal/suspensions/guidance) on the Guidance tab to ensure the required suspension considerations (including grounds for suspension) and the suspension process are followed. Following these guidelines and procedures will support principals to comply with the Ministerial Order 1125 as well as the Charter of Human

Rights and Responsibilities Act 2006 (Vic), anti-discrimination laws and any other relevant laws, such as duty of care and occupational health and safety.

## Record keeping

Suspension records must be retained for 7 years after the date of suspension unless the suspension results in an expulsion. If a suspension results in expulsion, the suspension records are retained in accordance with requirements for expulsion records which is either one year after the date of the student's last attendance at school or when the student turns 18, whichever is later. For more information regarding record keeping, refer to [Records Management – School Records](http://www2.education.vic.gov.au/pal/records-management/policy)  
<<http://www2.education.vic.gov.au/pal/records-management/policy>>

## Contacts

Schools may contact their regional office for support with the suspension process.

Refer to [Office locations](https://www.vic.gov.au/office-locations-department-education-and-training)  <<https://www.vic.gov.au/office-locations-department-education-and-training>> for contact details for each regional office.

## Definitions


### Suspension

The process of excluding a student from the standard instruction or educational opportunities being provided to other students at the school for part of a day, a full day or multiple days.

## Related policies

- [Behaviour – Students](http://www2.education.vic.gov.au/pal/behaviour-students/policy) <<http://www2.education.vic.gov.au/pal/behaviour-students/policy>>
- [Charter of Human Rights](http://www2.education.vic.gov.au/pal/human-rights-charter/overview) <<http://www2.education.vic.gov.au/pal/human-rights-charter/overview>>
- [Digital Technologies – Responsible Use](http://www2.education.vic.gov.au/pal/digital-technologies-responsible-use/policy)  
<<http://www2.education.vic.gov.au/pal/digital-technologies-responsible-use/policy>>
- [Equal Opportunity and Human Rights – Students](http://www2.education.vic.gov.au/pal/equal-opportunity-human-rights-students/policy)  
<<http://www2.education.vic.gov.au/pal/equal-opportunity-human-rights-students/policy>>
- [Expulsions](http://www2.education.vic.gov.au/pal/expulsions/policy) <<http://www2.education.vic.gov.au/pal/expulsions/policy>>
- [Student Engagement](http://www2.education.vic.gov.au/pal/student-engagement/policy) <<http://www2.education.vic.gov.au/pal/student-engagement/policy>>
- [Student Support Groups](http://www2.education.vic.gov.au/pal/student-support-groups/policy) <<http://www2.education.vic.gov.au/pal/student-support-groups/policy>>

## Relevant Legislation

- [Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](https://www.legislation.vic.gov.au/in-force/acts/charter-human-rights-and-responsibilities-act-2006)  
<<https://www.legislation.vic.gov.au/in-force/acts/charter-human-rights-and-responsibilities-act-2006>>
- [Education and Training Reform Act 2006 \(Vic\)](https://www.legislation.vic.gov.au/in-force/acts/education-and-training-reform-act-2006)  
<<https://www.legislation.vic.gov.au/in-force/acts/education-and-training-reform-act-2006>>
- [Ministerial Order 1125 – Procedures for Suspension and Expulsion of Students in Government School](https://www.education.vic.gov.au/PAL/ministerial-order-1125.pdf)   
<<https://www.education.vic.gov.au/PAL/ministerial-order-1125.pdf>>

# Guidance

## Suspension Guidelines and Procedures

These guidelines and procedures contain the following chapters:

- Overview
- Suspension considerations
- Suspension process
- Identifying a support person (relevant person)
- Appoint a relevant person

## Overview

Throughout this guidance anything that is a legal obligation under [Ministerial Order 1125 \(PDF\)](#)

<https://content.sdp.education.vic.gov.au/media/ministerial-order-1125-2363> is written as 'the principal must'. Where an action is a mandatory Departmental policy requirement, it is also written as 'the principal must'.

Where the guidance states that 'the principal should', this is a best practice recommendation.

Suspension is a serious disciplinary measure and is best reserved for incidents where other measures have not produced a satisfactory response.

Repeated or lengthy suspensions may not address the reasons for a student's behaviour and risk leading to poorer outcomes for a student's engagement in education, especially when suspension is used alone without supports and interventions that address the underlying reasons for the incident. The incidents may have occurred for a range of reasons including mental health concerns or circumstances at home, and the student may need additional help.

For a summary of key student wellbeing interventions and supports available to Victorian government schools, refer to the:

- [Map of key mental health and wellbeing support \(PDF\)](#)  
<<https://content.sdp.education.vic.gov.au/media/map-of-key-mental-health-and-wellbeing-support-pdf-1214>>
- [Map of key mental health and wellbeing support \(DOCX\)](#)  
<<https://content.sdp.education.vic.gov.au/media/map-of-key-mental-health-and-wellbeing-support-docx-1213>>

For a summary of procedural requirements, refer to the [Suspension process flowchart \(PDF\)](#)

<<https://eduvic.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-process-flowchart.pdf>> (staff login required).

## Suspension Consideration

The following information provides guidance for schools on when to consider suspending a student. These considerations are based on the requirements under [Ministerial Order 1125 – Procedures for Suspension and Expulsion of Students in Government Schools \(PDF\)](#) <<https://content.sdp.education.vic.gov.au/media/ministerial-order-1125-2363>> .



Before considering a suspension, schools must seek to understand the reasons for a student's behaviour and consider alternative educational and wellbeing supports and interventions that can be provided to the student to effectively address the reasons.

# Grounds for suspensions


In order for suspension to be an option, the following conditions must be in place:

- the student's behaviour must have occurred:
  - whilst attending school
  - or travelling to or from school
  - or while engaged in any school activity away from the school
  - or travelling to or from any school activity
- the student's behaviour must meet one or more of the following conditions:
  - behaves in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person
  - causes significant damage to or destruction of property
  - commits or attempts to commit or is knowingly involved in the theft of property
  - possesses, uses or sells or deliberately assists another person to possess, use or sell illicit substances or weapons
  - fails 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
  - consistently engages in behaviour that vilifies, defames, degrades or humiliates another person based on age; breastfeeding; gender; identity; impairment; industrial activity; lawful sexual activity; marital status; parent/carer status or status as a carer; physical features; political belief or activity; pregnancy; race; religious belief or activity; sex; sexual orientation; personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes
  - consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student.

When deciding whether or not to proceed to a suspension, the principal must consider alternative interventions and supports that can be provided to the student to address the reasons for the behaviour. For a summary of key wellbeing interventions and supports available to Victorian government schools, refer to:

- [Map of key mental health and wellbeing support](https://content.sdp.education.vic.gov.au/media/map-of-key-mental-health-and-wellbeing-support-pdf-1214) (PDF) 
- [Map of key mental health and wellbeing support](https://content.sdp.education.vic.gov.au/media/map-of-key-mental-health-and-wellbeing-support-docx-1213) (DOCX) 


## Charter of Human Rights and Responsibilities

Charter of Human Rights and Responsibilities Act 2006 (Vic) requires schools to act and make decisions that are consistent with human rights. The Charter sets out 20 human rights, which can be viewed on the website of the [Victorian Equal Opportunity and Human Rights Commission](https://www.humanrightscommission.vic.gov.au/human-rights/the-charter/rights-under-the-charter)  [. <https://www.humanrightscommission.vic.gov.au/human-rights/the-charter/rights-under-the-charter>](https://www.humanrightscommission.vic.gov.au/human-rights/the-charter/rights-under-the-charter) .

In making a decision about whether to suspend a student, proper consideration must be given to whether the suspension will limit the student's human right(s) and, if so, whether this limitation is reasonably justified in the circumstances. The most relevant human rights in relation to a suspension decision may include the right to

recognition and equality before the law (i.e. protection against discrimination), the right to freedom of thought, conscience, religion and belief, the right to protection of children according to their best interests and cultural rights.

You can contact the Legal Division for support with considering the Charter in relation to a suspension decision on ph: [03 9637 3146](tel:0396373146) or email: [legal.services@education.vic.gov.au](mailto:legal.services@education.vic.gov.au) <<mailto:legal.services@education.vic.gov.au>>

For more information about the Charter, refer to [Victorian Equal Opportunity and Human Rights Commission](#)  <https://www.humanrightscommission.vic.gov.au/human-rights/the-charter/rights-under-the-charter> .

## Authority to Suspend a Student

Only principals have authority to make the final decision to suspend a student. This authority cannot be delegated.

School staff may provide advice to inform the principal's decision whether to suspend a student and may assist in the management of the student's behaviour and/or in communications with the parents, carers or relevant persons. Principals hold ultimate responsibility for ensuring that all processes are followed, correctly.

## The relevant person

Due to the seriousness of suspension and expulsion, Ministerial Order 1125 requires that students who are subject to suspension and/or expulsion processes have a 'relevant person

<http://www2.education.vic.gov.au/pal/suspensions/guidance/3-identifying-support-person-relevant-person> ' to participate in the process, provide support and advocate for them. For most students this will be a parent or carer.

In situations where the parent or carer is unavailable or unwilling to act as the relevant person for their child, they can nominate an alternative relevant person.

Further information on relevant persons for the purposes of both suspensions and expulsions is outlined in the Guidance chapter [Identifying a support person \(relevant person\)](#) <http://www2.education.vic.gov.au/pal/suspensions/guidance/3-identifying-support-person-relevant-person> . Information on appointing a relevant person when the parents or carers are unable or unwilling to act as a relevant person is outlined in the Guidance chapter [Appoint a relevant person](#) <http://www2.education.vic.gov.au/pal/suspensions/guidance/4-appoint-relevant-person> .

## Additional considerations for certain students

There are certain students for whom additional circumstances arise, including:


- Aboriginal and Torres Strait Islander students;
- Students with disability;
- Students in out-of-home care;
- Overseas students; and
- Students with separated parents.

There is further information in relation to each of these students set out below. If you are considering suspending a student that falls within one of the above categories, you are encouraged to contact Legal Division to understand your legal obligations with respect to these students on ph: [03 9637 3146](tel:0396373146) or email: [legal.services@education.vic.gov.au](mailto:legal.services@education.vic.gov.au)

[<mailto:legal.services@education.vic.gov.au>](mailto:legal.services@education.vic.gov.au)

## Aboriginal and Torres Strait Islander Students


When considering a suspension for an Aboriginal or Torres Strait Islander student, a principal should engage a Koorie Engagement Support Officer (KESO). The KESO can support the school and family to find the best outcome for the student, and connect the school and family to any local or regional supports.

For more information on supporting Aboriginal or Torres Strait Islander students through a suspension process or to seek the involvement of a KESO, refer to [Contact a Koorie education coordinator](https://www.vic.gov.au/koorie-education-coordinator-contact-details)  [<https://www.vic.gov.au/koorie-education-coordinator-contact-details>](https://www.vic.gov.au/koorie-education-coordinator-contact-details).

## Students with a disability

Schools have a legal responsibility to ensure that reasonable adjustments are put in place for students with disability so that they can access their education on the same basis as students without a disability. This includes support to address behaviour related to the disability. For students with disability, any decision in relation to suspension must be consistent with the Ministerial Order 1125, the Charter of Human Rights and Responsibilities, anti-discrimination laws and any other relevant laws, such as duty of care and occupational health and safety.

## Students in out-of-home care

When considering a suspension for a student in out-of-home care, principals should seek advice from [LOOKOUT Education Support Centres](https://www.vic.gov.au/lookout-education-support-centres)  [<https://www.vic.gov.au/lookout-education-support-centres>](https://www.vic.gov.au/lookout-education-support-centres)

LOOKOUT principals will advocate for students in out-of-home care on matters of suspension and expulsion.

## Overseas Students

When considering appropriate discipline for overseas students, otherwise known as international students, it is important to note that the decision to suspend or expel may impact on a number of the student's visa conditions.

Such visa conditions include:

- the student must attend 80% of classes
- the student must make satisfactory progress

Schools suspending international students are required to contact the International Education Division which manages the deferment, suspension and cancellation of international student enrolments.

Refer to [International Student Program](http://www2.education.vic.gov.au/pal/international-student-program/policy)

[<http://www2.education.vic.gov.au/pal/international-student-program/policy>](http://www2.education.vic.gov.au/pal/international-student-program/policy) and Toolkit for more information on international student program quality standards, including Standard 13 which relates to: deferment suspension, or cancellation of study during enrolment

## Students with separated parents

For students who have separated parents, it is important to remember that suspension and expulsion are serious disciplinary measures and therefore all parents and carers must be notified of the intention to suspend or expel the student.

In circumstances where there is more than one parent or carer who would like to participate in the suspension and expulsion process, it is important to involve all of them in the process, unless doing so is not in the best interests of the student, or is not consistent with an intervention order (IV

# Suspension Process

The following information provides guidance to schools on investigations, decisions, notification and follow up for the school suspension process.

## First steps- before suspension

### Determine if suspension is an option

Suspension is a serious disciplinary measure and is best reserved for incidents when other measures have not produced a satisfactory response.

A principal may only suspend a student if the location and nature of their behaviour meets certain conditions. For information on when suspension may be an option, refer to Grounds for Suspension under [Suspension Considerations](http://www2.education.vic.gov.au/pal/suspensions/guidance/1-suspension-considerations) <<http://www2.education.vic.gov.au/pal/suspensions/guidance/1-suspension-considerations>> .

### Conduct a preliminary investigation

The principal should conduct a thorough investigation to establish: ● the nature of the behaviour(s)

- the student who committed those behaviour(s)
- the context in which it was committed, and
- any other relevant circumstances in relation to the incident or behaviour.

### Consider options

When determining if suspension is appropriate for a particular student, consideration must be given to:

- the behaviour for which suspension is being considered
- the educational needs of the student
- any disability the student may have
  - disability is defined under the Equal Opportunity Act 2010 (Vic)
  - it is not limited to students in receipt of specialist services or funding under the [Program for Students with Disabilities](https://www.education.vic.gov.au/school/teachers/learningneeds/Pages/psd.aspx) <<https://www.education.vic.gov.au/school/teachers/learningneeds/Pages/psd.aspx>>
- the age of the student
- the residential and social circumstances of the student, including whether the student is Aboriginal or Torres Strait Islander or culturally and linguistically diverse background or is in out-of-home care
- whether the suspension would unfairly impact a student from a particular cultural background – for example, if the suspension would fall on a day which would prevent a student from a particular cultural background from participating in a cultural activity day about that student’s culture.

Consideration should also be given to previous incidences of challenging behaviour and the support/disciplinary measures employed to respond to these.

For more information, refer to [Behaviour – Students](http://www2.education.vic.gov.au/pal/behaviour-students/policy) <<http://www2.education.vic.gov.au/pal/behaviour-students/policy>> .

### Consider information provided by student or family

Before proceeding to a suspension the principal must ensure the following:





- that the student has had the opportunity to be heard
- that any information or documentation provided by the student or the relevant person has been taken into account in making the decision regarding the suspension.

## Consider supports and other forms of action


When deciding whether or not to proceed to a suspension, the principal must consider alternative interventions and supports that can be provided to the student to address the reasons for the behaviour.

In addition, when determining whether to suspend a student with a disability, principals must ensure that reasonable adjustments have been made to assist the student to address the behaviour where this is a manifestation of disability. Where the relevant behaviour was related to the student's disability, Principals should contact Legal Division for further advice before making a final decision on suspension.

For a summary of key wellbeing interventions and supports available to Victorian government schools, refer to:

- [Map of key mental health and wellbeing support \(PDF\)](https://content.sdp.education.vic.gov.au/media/map-of-key-mental-health-and-wellbeing-support-pdf-1214)    
<https://content.sdp.education.vic.gov.au/media/map-of-key-mental-health-and-wellbeing-support-pdf-1214>
- [Map of key mental health and wellbeing support \(DOCX\)](https://content.sdp.education.vic.gov.au/media/map-of-key-mental-health-and-wellbeing-support-docx-1213)    
<https://content.sdp.education.vic.gov.au/media/map-of-key-mental-health-and-wellbeing-support-docx-1213>

## Next steps – decision, notification and action

In making their decision, the principal should consider their legal obligations and [principles of administrative decision making \(PDF\)](https://educ.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-basic-principles-of-administrative-decision-making.pdf)  <https://educ.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-basic-principles-of-administrative-decision-making.pdf> (staff login required) as detailed in this guidance.

If the behaviour of a student meets the grounds for suspension and the principal decides to suspend, they must determine:

- whether the suspension will be undertaken in school or out of school
- the day on which the suspension will commence (including whether it will be an immediate suspension)
- the period of suspension.


## Immediate suspensions

Principals may implement an immediate suspension if the student's behaviour is putting the health, safety and wellbeing of themselves or any other person at significant risk.

Where a principal decides to implement an immediate suspension, they must ensure the student is appropriately supervised until:

- the student is collected by a parent/carer, or parent's emergency contact person, or
- the end of the school day or activity if the parent/carer or emergency contact person is unable to collect them earlier.

When a principal has implemented an immediate suspension, the principal may determine whether or not to expel the student.


Further information on immediate suspensions is available in the [Implementing the suspension](#)   
<<https://www2.education.vic.gov.au/pal/suspensions/guidance/1-suspension-process#implementing-the-suspension>>  
section.

## Period of suspension

A student cannot be suspended for longer than 5 days at any given time unless both of the following apply:

- the principal has implemented an immediate suspension and is considering whether to expel the student
- the regional director has approved the longer period for the purpose of undertaking the expulsion procedures set out in the [Expulsions policy](#) <<http://www2.education.vic.gov.au/pal/expulsions/policy>> .

Additionally, a student cannot be suspended for more than 15 school days in a school year without the written approval of the relevant regional director.




In either circumstance, principals must complete the [Application for regional director approval of suspension more than 5 consecutive days and/or more than 15 days in total in a school year form \(DOCX\)](#) 

<<https://eduvic.sharepoint.com/:w:/r/sites/SchoolsSecure/Shared%20Documents/Principal-request-approval-of-suspension-form.docx>> (staff login required).

If a student is suspended for a period which is longer than the days left in a term, the principal should consider the likely disruption to the student's learning before imposing a suspension that will continue into the following term.

## Implementing the suspension

Prior to the suspension taking effect, or on the day of taking immediate action, the principal must complete all of the following:

- . identify the relevant person
- . notify the student (verbally) and the relevant person (via telephone or in person) of the reason/s for the suspension, the school days on which the suspension shall occur and where the suspension will occur
- . provide contact details for additional support services to the student and the relevant person as appropriate
- . arrange for appropriate school work to be provided to the student for the period of the suspension as follows, where the student is suspended for:
  - 3 days or less, provide meaningful work
  - more than 3 days, develop a student absence learning plan and return to school plan. Schools may wish to consider using the department's template [Student Absence Learning Plan \(DOCX\)](#)   
<<https://eduvic.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-student-absence-learning-plan-template.docx>> (staff login required) and template [Return to School Plan \(DOCX\)](#)   
<<https://eduvic.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-return-to-school-plan-template.docx>> (staff login required)
  - more than 5 days, in addition to the above requirements, a teacher should be designated as a key point of contact for the student and their family
- . provide the student and the relevant person with a [Notice of Suspension \(DOCX\)](#)   
<<https://eduvic.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents>

/suspensions-notice-of-suspension.docx> (staff login required) which must include:

- the reasons for the suspension
- the school days on which the suspension shall occur
- and copies of the student absence learning plan and return to school plan, if required

. provide the student and their relevant person with a copy of the [parent brochure – procedures following suspension \(PDF\)](#)

<https://content.sdp.education.vic.gov.au/media/suspension-information-for-parents-and-carers-pdf-1217>

Consistent with the Charter and anti-discrimination legislation, documentation should be provided in alternative formats and community languages in order to meet the communication needs of the student and relevant person

. record the suspension on CASES21. For support to record the suspension in CASES21 refer to [Chapter 6](#) merit and discipline in the CASES21 administration [guide](#)

<https://edugate.eduweb.vic.gov.au/Services/bussys/cases21/Pages/Home.aspx>

It is important to discuss the reasons for the suspension with the student so that they understand why it is happening and what needs to change. Giving the student the opportunity to have a voice and influence in the discussion helps to foster their engagement in the process. This engagement may enable the student to take ownership over and make changes to their behaviour.

## Final steps – post suspension follow up and support

The principal should consider whether it is appropriate to convene a student support group meeting with the student, the relevant person, and any other adults or professionals involved in the care of the student.

The purpose of such a meeting is to discuss:

- the student's behaviour that led to the suspension
- a range of strategies to address the concerns, and
- prevent further occurrences of such behaviour.

It is strongly recommended that a meeting be convened if one or more of the following circumstances apply:

- a student and/or their relevant person requests a meeting
- a student has a disability, is Aboriginal or Torres Strait Islander or is in out-of-home care
- there have been three or more suspensions in the school year
- the student has been suspended for the maximum 5 consecutive days.

For more information refer to [Student Support Groups](#) <http://www2.education.vic.gov.au/pal/student-support-groups/policy>

In all cases of suspension, it is important to consider the student's transition back into school and any disruption to their learning. In many cases, the student will require additional educational or other supports to help address the reasons for the incident and/or any underlying behavioural issues.

Repeated or lengthy suspensions may not address the reasons for a student's behaviour and risks leading to poorer outcomes for a student's engagement in education, especially when suspension is used alone without interventions and supports that address the underlying reasons for the incident(s).


## Identifying a support person(relevant person)

Suspension and expulsion are serious disciplinary measures and it is important that the student has a person to support and advocate for them throughout the suspension or expulsion process. The ministerial order on suspensions and expulsions and this guidance refer to such persons as “relevant persons”.

### Who can be a relevant person?

#### Students under 18 years of age

For a student who is under 18 years of age and is not considered a ‘mature minor’, the relevant person may be one of the following:

- parent
- adult nominated by the parent in accordance with the procedures outlined in the ministerial order and this guidance
- adult appointed from the suitable persons list in accordance with the procedures outlined in [Ministerial Order 1125 \(PDF\)](#)   
<<https://content.sdp.education.vic.gov.au/media/ministerial-order-1125-2363>> and this guidance.

#### Students in out-of-home care

For a student who is in out-of-home-care, the relevant person may be one of the following persons:

- parent
- adult who is residing with, and providing care to, the student in the out-of-home care arrangement
- adult appointed from the suitable persons list in accordance with the procedures outlined in the ministerial order and this guidance.

#### Students considered as a mature minor

For a student who is considered a mature minor, the relevant person may be one of the following persons:

- adult nominated by the student in accordance with the procedures outlined in the ministerial order and this guidance
- adult appointed from the suitable persons list in accordance with the procedures outlined in the ministerial order and this guidance.

For further advice on determining whether a student is a mature minor, refer to [Mature Minor and Decision Making](#)

<<http://www2.education.vic.gov.au/pal/mature-minors-and-decision-making/policy>> .

#### Students 18 years or older

A student who is 18 years of age or older is considered an adult and can participate in the suspension or expulsion process without a relevant person present. However, such students should be encouraged to:

- identify an adult – such as a parent or relative, who can support them during the process
- request that an adult be appointed from the suitable persons list in accordance with the procedures outlined in the ministerial order and this guidance.

## Separated parents

In circumstances where there is more than one parent or carer who would like to participate in the suspension and expulsion process, it is important to involve all of them in the process – except where doing so would not be in the student’s best interests, or is not consistent with an intervention order.

If the principal of a Victorian government school needs advice and assistance on how to proceed with the suspension or expulsion in these circumstances, it is strongly recommended that they contact the Department's Legal Division on [\(03\) 9637 3146](tel:(03)96373146) or email [legal.services@education.vic.gov.au](mailto:legal.services@education.vic.gov.au) <<mailto:legal.services@education.vic.gov.au>>

## Appoint a relevant person

Where a student’s parent or carer is available and willing to act as the relevant person or a student is a mature minor during a suspension process, no nomination for a ‘relevant person’ is required.

In situations where the parent or carer is not available, they – or the student in the case of a mature minor – can nominate an alternative relevant person.

- The student, parent or carer and the person being nominated must complete and sign a relevant [person nomination and acceptance form](#) (PDF) <<https://content.sdp.education.vic.gov.au/media/relevant-person-nomination-and-acceptance-form-1215>> .
- The completed and signed form should be provided to the principal before the suspension process proceeds.

Once a relevant person has been appointed, the suspension can proceed as outlined in the [suspension](#) process <<http://www2.education.vic.gov.au/pal/suspensions/guidance/1-suspension-process>> section of this guidance.

In some cases:

- the parent or carer may not be available or willing to act as the relevant person
- the student, parent or carer may also be unable to identify an alternative relevant person.

In these cases someone from the ‘suitable persons list’ should be appointed as the student’s relevant person by the school principal.

## The suitable person list

Each area executive director or regional director creates a ‘suitable persons list’ of people who are eligible to fulfil the role of the relevant person for students for the purpose of a suspension or expulsion.

Suitable persons are experienced department staff who:

- have received training on suspension and expulsion procedures
- can represent and advocate for a student throughout the process. To be eligible for membership of

The suitable person list, a person must:

- be employed by the department
- have completed suspension and expulsion training
- be able and willing to support and advocate for students during a suspension or expulsion process, until the conclusion of the process – which may include an expulsion appeal.

It is anticipated that members of the suitable persons list will be school or network-based, such as:

- student support services officers
- student welfare coordinators
- other school-based staff.

The exact profile and number of members on each list will be determined at the Student Support Services (SSS) regional network level, taking into account the number of schools and students in the network

## Administration of the suitable person list

Each network should nominate one person (for example the SSS network coordinator, the network executive chair, a principal from within the network, or staff member from the regional office if the network has delegated management to the regional office) that has responsibility for:

- establishing the suitable persons list for their SSS regional network
- maintaining an up to date, online list for their network accessible by all school principals in the network
- ensuring all members of the list have undertaken suspension and expulsion training
- maintaining records of use of the list
- providing advice for principals when issues arise in selecting a suitable person.

Small SSS regional networks, in consultation with the regional office, may decide to group together for the purpose of administering the suitable persons list, to ensure appropriate geographic spread and school representation.


## Using the suitable person list

Prior to appointing a suitable person from the relevant person nomination and acceptance form, the principal should notify the student and their parent or carer that a relevant person is being appointed for the student and the reason for this.

To appoint a relevant person from the suitable persons list, the principal should:

- select a suitable candidate from the online list
- make direct contact with the candidate to establish their availability to act as the relevant person.

Note: a principal may not appoint as relevant person any member of the suitable persons list who is employed at the same school as the principal.

The principal must complete and sign the [request to appoint a person from the suitable persons list form \(DOCX\)](https://eduvic.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-request-for-suitable-person.docx)  [<https://eduvic.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-request-for-suitable-person.docx>](https://eduvic.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-request-for-suitable-person.docx) (staff login required) and arrange for the appointed person to sign it also, then provide a copy of this form to the person administering the suitable persons list for the SSS regional network.

The principal will:

- inform the student of the appointment of the relevant person
- arrange for contact between the student and their relevant person.
- Once a person from the suitable persons list has been appointed, they must act as the relevant person until the conclusion of the suspension or expulsion process.

For support in appointing a relevant person from the suitable persons list or if there are any serious concerns about a person who has been appointed from the list, the principal should contact the person in the SSS regional network responsible for administering the list.

Principals should contact their regional engagement coordinator to access the suitable person list.

## Record keeping

Schools must keep the completed and signed relevant person nomination and acceptance form or request to appoint a person from the suitable persons list form as part of the student's record.

A copy of the request to appoint a person from the suitable persons list form (where applicable) should also be provided a copy to the officer responsible for maintaining the network's suitable persons list.

Documentation related to the appointment of relevant persons is to be considered a record of the suspension.

For more information on record keeping, retention and destruction refer to [Records Management](http://www2.education.vic.gov.au/pal/records-management/policy) <<http://www2.education.vic.gov.au/pal/records-management/policy>>.

## Resources


### Checklist, templates and notices

- [Map of key mental health and wellbeing support \(PDF\)](https://content.sdp.education.vic.gov.au/media/map-of-key-mental-health-and-wellbeing-support-pdf-1214) <<https://content.sdp.education.vic.gov.au/media/map-of-key-mental-health-and-wellbeing-support-pdf-1214>>
- [Map of key mental health and wellbeing support \(DOCX\)](https://content.sdp.education.vic.gov.au/media/map-of-key-mental-health-and-wellbeing-support-docx-1213) <<https://content.sdp.education.vic.gov.au/media/map-of-key-mental-health-and-wellbeing-support-docx-1213>>
- [Suspension process flowchart \(PDF\)](https://eduvic.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-process-flowchart.pdf) <<https://eduvic.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-process-flowchart.pdf>> (staff login required)
- [Suspension process checklist \(DOCX\)](https://edugate.eduweb.vic.gov.au/edrms/ESARB/WHEDRSR/SER/SuspensionProcessChecklist.docx) <<https://edugate.eduweb.vic.gov.au/edrms/ESARB/WHEDRSR/SER/SuspensionProcessChecklist.docx>> (staff login required)
- [Notice of suspension \(PDF\)](https://eduvic.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-notice-of-suspension.pdf) <<https://eduvic.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-notice-of-suspension.pdf>> (staff login required)
- [Notice of suspension \(DOCX\)](https://eduvic.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-notice-of-suspension.docx) <<https://eduvic.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-notice-of-suspension.docx>> (staff login required)
- [Application for regional director approval of suspension more than 5 consecutive days and/or more than 15 days in total in a school year form \(DOCX\)](https://eduvic.sharepoint.com/:w:/r/sites/SchoolsSecure/Shared%20Documents/Principal-request-approval-of-suspension-form.docx) <<https://eduvic.sharepoint.com/:w:/r/sites/SchoolsSecure/Shared%20Documents/Principal-request-approval-of-suspension-form.docx>> (staff login required)




## Supporting students return to school

- [Return to school plan template \(DOCX\)](#)  
<<https://eduvic.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-return-to-school-plan-template.docx>> (staff login required)
- [Student absence learning plan template \(DOCX\)](#)  
<<https://eduvic.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-student-absence-learning-plan-template.docx>> (staff login required)

## Documents to assist schools in nominating or appointing a relevant or suitable person

- [Nomination and consent of relevant person form \(PDF\)](#)  
<<https://content.sdp.education.vic.gov.au/media/relevant-person-nomination-and-acceptance-form-1215>>
- [Request to appoint a person from the suitable persons list form \(DOCX\)](#)   
<<https://eduvic.sharepoint.com/:b:/r/sites/SchoolsSecure/Shared%20Documents/suspensions-request-for-suitable-person.docx>> (staff login required)

## Information for parents

- [Parent brochure — procedures following suspension \(PDF\)](#)   
<<https://content.sdp.education.vic.gov.au/media/suspension-information-for-parents-and-carers-pdf-1217>>
- [What happens when your child is suspended Easy English \(PDF\)](#)   
<<https://content.sdp.education.vic.gov.au/media/suspension-brochure-parent-easy-english-p1073>>
- [What happens when your child is suspended Easy English \(DOCX\)](#)   
<<https://content.sdp.education.vic.gov.au/media/suspension-brochure-parent-easy-english-d1074>>

### POLICY REVIEW AND APPROVAL

Policy last reviewed	29 January 2024
Approved by	Principal
Next scheduled review date	Please note this policy will be tabled at the next school council meeting.

## On this page:

[Policy](http://www2.education.vic.gov.au#policy) <<http://www2.education.vic.gov.au#policy>>

[Guidance](http://www2.education.vic.gov.au#guidance) <<http://www2.education.vic.gov.au#guidance>>

[Overview](http://www2.education.vic.gov.au#overview) <<http://www2.education.vic.gov.au#overview>>

[Suspension considerations](http://www2.education.vic.gov.au#suspension-considerations) <<http://www2.education.vic.gov.au#suspension-considerations>>

[Suspension process](http://www2.education.vic.gov.au#suspension-process) <<http://www2.education.vic.gov.au#suspension-process>>

[Identifying a support person \(relevant person\)](http://www2.education.vic.gov.au#identifying-a-support-person-relevant-person) <<http://www2.education.vic.gov.au#identifying-a-support-person-relevant-person>>

[Appoint a relevant person](http://www2.education.vic.gov.au#appoint-a-relevant-person) <<http://www2.education.vic.gov.au#appoint-a-relevant-person>>

[Resources](http://www2.education.vic.gov.au#resources) <<http://www2.education.vic.gov.au#resources>>