

## EXPULSION POLICY OVERVIEW

Under legislation, the expulsion of a Victorian government school student can only be considered when a student's behaviour is of such magnitude that, having regard to the need to maintain health, safety and wellbeing of other students and staff, and the need to maintain an effective education program, expulsion is the only available mechanism.

### Interventions and Supports

**Intervening early to address underlying factors and triggers for concerning behaviour is key to supporting children and young people to be happy, connected and engaged in education.**

Successful interventions require an understanding of why a student may be behaving in a particular way (e.g. learning difficulties, trauma, mental health, disability or factors within the learning environment)

Wherever possible, interventions and supports should be implemented in response to concerning behaviours before an expulsion is considered

Schools can draw on a range of supports for vulnerable students with complex needs, including through the Department's local Area team

Where there is conflict or damaged relationships, schools may also engage with dispute resolution services to address conflicts

In many instances, concerns may be addressed with the school, family and local services via a Student Support Group and through the development of a Behaviour Support Plan.

### Reflect and Investigate

**Following an incident(s), where a principal considers expulsion to be the only option they must:**

- contact the parent/carer and the Department's local Area Team to discuss the incident(s) and next steps
- determine if incident(s) meet at least one of the seven grounds for expulsion\* and is of a magnitude that an expulsion is seen as the only available mechanism
- undertake and document a thorough investigation to establish the context and details of the student's behaviour and its impact on other affected parties
- ensure that wherever possible, the underlying factors and triggers for behaviour/s have been identified and available interventions and supports have been mobilised
- give proper consideration to any rights affected under *Charter of Human Rights & Responsibilities Act 2006* and anti-discrimination obligations
- If upon reflection, expulsion is no longer under consideration, refer back to interventions and supports

### Behaviour Support and Intervention Meeting

**If the principal is still considering an expulsion, they must convene a Behaviour Support and Intervention Meeting with:**

- the student and their parent/carer\*
- the principal and relevant school and support staff
- a Regional Approved Support Person (RASP)
- an interpreter (if required)

**Expulsion is not a pre-determined outcome of this meeting.**

Parents and carers **must** also be provided with a copy of *Information for Parents and Carers about School Expulsions* prior to the meeting. The student and their parents/carers will be provided with an opportunity to:

- hear grounds on which an expulsion is being considered and provide any further relevant context
- understand the impact on other affected parties
- discuss opportunities for further interventions and supports to enable the student to remain at school
- work with the school to consider possible supported transition options in the event that an expulsion is a likely outcome

### Decision

**Following the meeting, the principal must objectively consider all the relevant information to determine whether:**

- the student can be supported to remain at the school
- to expel the student and support them to transition to a new setting

If a decision is made to expel the student the principal **must** notify:

- the student and their parent/carer within 2 business days<sup>+</sup> of the conclusion of the Behaviour Support and Intervention Meeting via a *Notice of Expulsion*

For students aged 8 or less:

- Department Secretary **must** approve the principal's expulsion decision before proceeding
- the principal should contact the Regional Engagement Coordinator and work with them to prepare a brief to the Secretary outlining the principal's recommendation and seeking their approval
- the principal **must** notify the student and their parent/carer of the outcome within 10 business days of the conclusion of the Behaviour Support and Intervention Meeting

A decision to expel a student can be appealed by a student or their parent/carer. This right is reflected in Ministerial Order 1125 and is communicated to parents in the *Notice of Expulsion and Information for Parents and Carers about School Expulsions*

### Support the student to remain at the school

**If a decision is made not to expel the student** the Student Support Group can be convened to consider **interventions and supports** to enable the student to positively engage at school, and address any concerning behaviours and underlying factors and triggers. Referrals to regional, allied health and community supports should be made as appropriate.

OR

### Support the student to transition to a new setting

**If a decision is made to expel the student:**

- a supported transition will ensure the student remains engaged in education, upholding the principle that no child be excluded from Victorian government schools
- the principal, in collaboration with the local Area team and Regional Engagement Coordinator will work with the student and parents/carers to identify and transition to a new setting (school, Registered Training Organisation, or employment agency) and implement a transition plan
- placement will occur within one month wherever possible. The Regional Engagement Coordinator will follow up with the new setting at the one and six month points and refer the case to the local area team if additional support is required.
- the principal will continue to provide the student with meaningful work until the student has transitioned to a new setting

### Grounds for Expulsion

A principal may expel a student from the school if, whilst attending school, travelling to and from school or engaging in any school related activity away from school (including when travelling to or from that activity):

1. behaves in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person
2. causes significant damage to or destruction of property
3. commits or attempts to commit or is knowingly involved in the theft of property
4. possesses, uses or sells or deliberately assists another person to possess, use or sell illicit substances or weapons
5. 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
6. 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.
7. consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student.

And the student's behaviour is of such magnitude that, having regard to the need of the student to receive an education compared to the need to maintain the health, safety and wellbeing of other students and staff at the school and the need to maintain the effectiveness of the school's educational programs, expulsion is the only available mechanism.

\* Processes for expulsions are set out in [Ministerial Order 1125 – Procedures for Suspension and Expulsion of Students in Government Schools](#)

\* Where a parent/carer is unable or unwilling to participate in the expulsion process, another relevant person may be selected. Details on who can act as a relevant person are set out in [Ministerial Order 1125](#) - see also [Identifying a Relevant Person](#)

+ Business days means Monday to Friday excluding public holidays in Victoria