

Student Safety and Wellbeing Expert Panels

Universal access to a high quality education that realises a student’s learning potential is a fundamental pillar of the Victorian government school system.

Expulsion is intended to be a last resort, reserved for the most challenging and complex cases where other avenues of support and intervention have been fully considered, and expulsion is considered to be the only available appropriate response. It is a decision that is not taken lightly by school principals.

The Victorian government school expulsion process is underpinned by transparency, fairness and support for all students. A range of checks and balances are embedded in the process to ensure that decisions are informed by the safety, wellbeing and educational needs of the individual student, other students and the whole school community. These requirements are detailed in Ministerial Order 1125 – *Procedures for Suspension and Expulsion of Students in Government Schools*.

A student (including with the support of their family) has the ability to appeal a principal’s decision to expel them from a school, which can lead to an expulsion decision being overturned upon review.

In rare cases, a principal may hold significant, ongoing concerns for the safety of students at the school where an expulsion decision has been overturned and the student plans to return to the school. In these circumstances, a principal may refer the matter to a Student Safety and Wellbeing Expert Panel (Expert Panel). An Expert Panel will consider the matter with regard to student safety, in order to provide a recommendation(s) to the Secretary of the Department (Secretary), as a delegate of the Minister, about the student’s future at the school and advise on how best to support their ongoing engagement in education.

An Expert Panel for any given matter will comprise two experts from the pool of members of the Independent Office for School Dispute Resolution (Independent Office). Members will be selected by the responsible central senior executive within the Regional Services Group in the Department (the Executive Director, Group Planning, Coordination and Operations) on behalf of the Secretary.

An Expert Panel will provide independent advice and recommendation(s) to the Secretary. An Expert Panel acts impartially to consider student enrolment where an expulsion is overturned, in the interests of achieving the best outcome for all students and their education.

Referral to an Expert Panel

Principals are encouraged to discuss their views and concerns with their respective Area Executive Director (AED) or a senior regional staff member in determining whether to refer a matter to an Expert Panel. This is an opportunity for the principal, local area team and regional office to work closely together to collectively identify all available supports and

interventions to mitigate safety concerns and support the student's successful transition back to school and ongoing educational engagement.

If, after these discussions, the principal believes the safety risks cannot be managed or mitigated, they should inform the AED of their intent to refer the case to an Expert Panel. The principal must provide the AED with a completed and signed Referral Form within **one business day** of being informed of the decision to overturn the expulsion. This is a deliberately short timeframe as it is critical to minimise any uncertainty or delays in ensuring the student's engagement in education where a referral to an Expert Panel is made.

The AED with local area and regional staff will work with the central coordinating point within the Regional Services Group to inform the Secretary and the Deputy Secretary, Regional Services Group of the referral.

The AED or another appropriate senior staff member will contact the student and/or their parent/carer to inform them of the outcome of the expulsion appeal process and advise that the matter has been referred to an Expert Panel, and discuss ongoing educational supports for the student.

An Expert Panel will be convened by members appointed on behalf of the Secretary to consider the matter and to make a recommendation(s) relating to the student's continued enrolment at the school, in accordance with section 2.2.17 of the *Education and Training Reform Act 2006*, with specific regard to the safety of the student or other students at the school.

The central coordinating point within the Regional Services Group, working with relevant regional staff, will provide administrative support to an Expert Panel, as required, to convene to consider the matter.

Composition of an Expert Panel

Members of an Expert Panel are drawn from the pool of experts from the Independent Office. This is a discrete role for these members, separate from their work as part of the Independent Office.

Panel members are experts in one or more of:

- bullying prevention;
- child development;
- cultural and gender liaison;
- disability;
- discrimination;
- family disputes;
- human rights;
- mental health;
- school education; and
- student welfare.

This means that each individual matter will be considered and members appointed according to the specific issues involved to ensure an appropriate assessment and understanding of individual circumstances.

Prior involvement in matters previously considered by the Independent Office

The Independent Office provides a dispute resolution service for parents and students independent from the Department. The Independent Office helps to resolve complex disputes by adopting alternative dispute resolution practices which allow everyone involved to work through issues in a timely manner.

To maintain objectivity and impartiality, all members of an Expert Panel must not have had any prior involvement with the affected student, their family or the expulsion decision that has been overturned.

An Expert Panel accepts requests from, and provides recommendations to, the Secretary separate to their reporting arrangements to the Chair of the Independent Office. The Chair and Deputy Chairs of the Independent Office will not participate in an Expert Panel function.

Recommendation and expected timeframes

An Expert Panel will provide a letter making a recommendation(s) to the Secretary on the suitability of the student's continued enrolment at the school based on an Expert Panel's assessment of the safety issues and relevant safety and wellbeing supports, and consideration of the particular circumstances of the matter. An Expert Panel will outline their supporting reasons to assist the Secretary in making their decision.

An Expert Panel's reasons in support of their recommendation to the Secretary may assist the Department in developing interventions and supports to ensure the best outcome for the student involved and the safety of other students at the school, including if it is proposed that the student be supported to enrol in another setting.

A student who is subject to an expulsion that has been overturned requires an appropriate setting in which to continue their education, whether that is at the same school or transitioning to another setting, so finalising each matter as soon as practicable is a priority for an Expert Panel. The Department will seek to provide an indicative timeframe for an Expert Panel to make its recommendation.

Matters referred to an Expert Panel may however take some time to consider in detail given their complexity and the need to ensure the best outcome for the individual student and the school community.

An Expert Panel does not review the previous expulsion decision

While the circumstances and past decisions relating to the matter could be relevant considerations for an Expert Panel, it is important to note that reviewing a previous expulsion decision is not part of an Expert Panel's scope. An Expert Panel is tasked with gaining an understanding of the circumstances of the matter that has been referred and the

effect it has had on people involved, with a focus on ensuring the safety and wellbeing of the student and other students at the school.

Operation of an Expert Panel

An Expert Panel will meet to consider all available information about the student, circumstances, behaviours and the incident(s) that led to the concerns about safety. This may include seeking the views of affected people, including students, parents, carers and families, teachers and the principal, as well as any other person who an Expert Panel believes is appropriate in the circumstances to assist them in making a recommendation in the best interests of the student and other students at the school.

The members of an Expert Panel will attempt to assess each matter in a manner that is sensitive to the specific needs and circumstances of all those involved.

Decision of the Secretary

The Secretary will make a decision, in a timely manner, having regard to the advice and recommendation(s) of an Expert Panel as to whether to refuse the student's continued enrolment at the school in the interests of ensuring the safety of all students at the school. The Secretary may also give consideration to any other comments made by an Expert Panel.

Support for a student during an Expert Panel process

In the instance that an overturned expulsion is referred to an Expert Panel, the student's re-enrolment in the school will be deferred while an Expert Panel is considering the matter. It is essential that the student remains supported throughout this process. The school, including the teacher designated to support the student throughout the expulsion process, will continue to provide appropriate and meaningful work to support their ongoing education. The student's *Student Absence Learning Plan* should be updated, if required.

The Department's local area and regional teams will work closely with the school, student(s) and their family during this period, including considering any further actions required to support the student's continued learning.