

# INFORMATION FOR STUDENTS ABOUT SCHOOL EXPULSIONS

This factsheet gives you, as a Victorian government school student, facts about the school expulsion process, information about your rights and how to get support.

## Why might my principal be thinking of expelling me?

Schools work hard to ensure that every student is supported to remain engaged in education, so that they reach their potential regardless of background or circumstance.

However, if your behaviour has impacted on the safety of others, and if your school has tried to provide you with support but it hasn't improved your behaviour, your principal might consider an expulsion and supported transition to a new education setting.

There are rules about when and how expulsions can happen. You can only be expelled if:

- the consequences of your behaviour are really serious, and expelling you is considered the only option to protect other students and staff, and the school's ability to teach other students
- the behaviour occurred when you were at, or travelling to or from school or a school activity
- your behaviour meets one or more grounds for expulsion (details on the back page).

The rules and grounds for expulsion are listed in Ministerial Order 1125 – *Procedures for Suspension and Expulsion of Students in Government Schools*.

## What will happen if my principal is considering expelling me?

Your principal will:

- thoroughly and fairly investigate (find out what happened)
- invite you and your parent/carer to attend a meeting called the Behaviour Support and Intervention Meeting
- make a decision for you to stay at the school or to expel you
- work with you and your parent/carer to:
  - support you to stay at the school, and help you with your behaviour and other issues that might be impacting you **OR**
  - support a positive transition to a new school or setting.

For more information about this process, type 'expulsion' into the search bar at [www.education.vic.gov.au](http://www.education.vic.gov.au).

## What is a Behaviour Support and Intervention Meeting?

The principal must hold a meeting **before** making a decision about whether to expel you.

This meeting is called the Behaviour Support and Intervention Meeting. It allows you and your parent/carer to:

- hear why an expulsion is being considered
- make sure the school is providing you with the support you need
- tell the school what happened in your own words and why you behaved in this way
- understand the impact of your behaviour on others
- discuss next steps (including support to stay at the school or a possible transition to another school or setting).

It is important to remember that expulsion is **not** a pre-determined outcome of this meeting.

## Who will be invited to attend the Behaviour Support and Intervention Meeting?

- You
- Your parents/carers
- The principal and one or two school staff members
- A Regional Approved Support Person (who is from the Department and can provide an independent view and advice)

You or your parents or carer can request an interpreter.

You are also able to bring an independent support person (more details on the back page).

**If you are 18 years or over**, or if you are considered mature enough, you can request to represent yourself and choose your own support person.

**If your parents/carers can not attend** the meeting they can nominate another trusted adult to act in their place.

## DECISIONS AND APPEALS

How long will the principal take to make a decision?

The principal must let you know their decision within **two business days\*** of the meeting. You are likely to be suspended from school during this time. It is important that you continue your education.

Your school will provide you with work so you can keep up with your learning. If your suspension is likely to be for longer than a week, a teacher will be allocated to support you during your suspension. You or your parent/carer can contact the school if this hasn't happened.

What happens if the principal decides **not** to expel me?

You will be supported in a range of ways to continue at your school. Before you return to school, it is likely that the school will invite you and your parent/carer to attend a Student Support Group. This meeting is an opportunity to come together with school staff to plan ways to help you return to school, and make sure you have the supports in place to allow you to succeed.

What happens if the principal decides to expel me?

You will be given a *Notice of Expulsion* and an *Expulsion Appeal Form* by the principal. The Notice of Expulsion describes the reasons why you are being expelled.

The principal, with local Area team and Regional Engagement Coordinator, will contact you to discuss and implement a Transition Plan to a new setting. They will work with you and your family to understand your skills and aspirations and coordinate supports.

Where possible they will support you to start at your new school or setting within four weeks of the decision. It is important that you are involved in these conversations to find a school or educational setting that is right for you.

Some of the things you can talk about are:

- what your interests are
- what you like about school
- how you like to learn
- your aspirations for the future.

What are my rights?

Your right to education is set out in law.

When expulsion is being considered, you have the right to be heard. The Behaviour Support and Intervention Meeting gives you the chance to explain things from your perspective.

You also have the right not to be discriminated against. This is set out in the *Charter of Human Rights and Responsibilities Act 2006*.

If the principal decides to expel me, can I appeal their decision?

If the principal decides to expel you, you have the right to appeal the decision.

You or your parent/carer must provide the principal with a completed and signed *Expulsion Appeal Form* within 10 business days of receiving the Notice of Expulsion

Your appeal will go to the Regional Director or Area Executive Director (who works for the Department of Education and Training) for their consideration. They may arrange a meeting to consider your appeal.

You and your parent/carer will be invited to discuss your reasons for the appeal. You can also bring a support person to the Expulsion Review Panel meeting.

More information is available in the *Expulsion Appeal Form*.

\* A **business day** is a working day of the week. These are the days between and including Monday to Friday and do not include public holidays or weekends.

## REPRESENTATION AND SUPPORT PEOPLE

### Who is a support person?

It is important that you have someone to support you and help advocate for you throughout the process, particularly at the Behaviour Support and Intervention Meeting.

If your parent/carer is not available to attend, another adult can support you, or you/your parent/carer can talk to the Department about accessing a Support Person. Call 9637 2000, tell them your suburb and ask for your Regional Engagement Coordinator.

You can also access a support person from a community organisation if you wish.

A support person can help you (and your parent/carer) to:

- understand what is happening
- understand your rights
- be heard at meetings
- think about, and communicate what you want to happen
- lodge an appeal.

### I have a disability, what additional supports are available?

You or your parent/carer can talk to the:

- Regional Engagement Coordinator (call 9637 2000 and say your suburb)
- [Disability Advocacy Resource Unit \(DARU\)](#) for independent support on 9639 5807

### I am Koorie, what additional supports are available?

You or your parent/carer can contact:

- your school or Regional Engagement Coordinator (call 9637 2000, tell them your suburb and ask for your Regional Engagement Coordinator)
- [Victorian Aboriginal Education Association Incorporated.](#) (VAEAI) for independent support on 9481 0800

### Where can I go for more support?

Throughout the expulsion process you, or your parent/carer can ask to speak to your Regional Engagement Coordinator. They are experts in the process. You can contact them by calling 9637 2000 and telling them your suburb/town.

You might also want to talk to someone about how you are feeling. You can speak to your school or a trusted adult. You can also make an appointment to see your doctor and/or contact:

- **Kids Helpline** on 1800 55 1800 (24 hours a day, 7 days a week or [web counselling](#))
- **eheadspace** via [eheadspace.org.au](#) or on 1800 650 890.

## Grounds for expulsion

**Expulsion can only be a consequence of your behaviour if it is so serious that, when the principal considers the need to maintain the school community's health, safety, wellbeing and the effectiveness of the education program, expulsion is considered to be the only option.**

The behaviour must have occurred while you were attending or travelling to or from: school or any school related activity.

Additionally, you can only be expelled from a Victorian government school if you:

1. Behave in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person.
2. Cause significant damage to or destruction of property.
3. Commit or attempts to commit or is knowingly involved in the theft of property.
4. Possess, use or sell or deliberately assist another person to possess, use or sell illicit substances or weapons.
5. Fail 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 engage 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.