

GUIDELINES

MANAGEMENT OF STUDENT BEHAVIOUR

Responsibility of: Schools Policy and Operations
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1 INTRODUCTION

These guidelines should be read in conjunction with the Management of Student Behaviour Policy. The guidelines will assist schools in developing their own Wellbeing and Behaviour Management Policy and provide information regarding the processes associated with consequences based on statutory authority i.e. detention, suspension and expulsion.

2 BEHAVIOUR MANAGEMENT PLANNING

Essential to effective learning is a safe, supportive and disciplined environment where the rights of students to learn and the rights of teachers to teach are respected. School behaviour management planning must be responsive to the needs of the whole school community, focus on optimising teaching and learning experiences for all students and allow schools to effectively manage challenging student behaviours. Consideration should be given but not limited to:

- the positive and preventative approaches to managing student behaviour
- the development and implementation of effective interventions and individual behaviour plans for students with extreme challenging behaviours
- the appropriate use of consequences for unacceptable student behaviour e.g. reflective thinking rooms, mediation, restorative processes, withdrawal from school activities, time-out strategies, detention, suspension
- the individual circumstances, actions and needs of the student, and the needs and rights of the school community when applying consequences
- the need for individual strategies and adjustments for students with disabilities
- access to alternative programs and input from other agencies for students who repeatedly behave unacceptably.

Extensive wellbeing and behaviour management resources are available on the department's website. In addition, Student Services has behaviour advisors available to assist schools with all aspects of behaviour management.

3 PROCEDURAL FAIRNESS (NATURAL JUSTICE)

In managing student behaviour, the principles of procedural fairness must apply to all proceedings. The rules of procedural fairness require that:

- in respect of any decision the student and/or parent must be given a reasonable opportunity to be heard regarding the student's behaviour and the proposed action
- the decision-maker must act fairly and provide reasons that explain and justify the decision taken
- the decision must be based upon verifiable evidence
- the decision must not be pre-determined.

Principals must be able to demonstrate that a decision has been based on all the above.

A reasonable opportunity to be heard requires that a student and/or parent knows exactly what the alleged behaviour is, is given sufficient information about the decision making process and the action being considered in addressing the misbehavior, has sufficient time and opportunity to put forward their case, and that the decision maker considered their response before reaching the final decision.

Representation of a student by a parent is not a necessary requirement of procedural fairness especially if the student is approaching adulthood. However, in most cases the parent should be involved at the earliest opportunity and should have access to details of all allegations relating to the incident and all policies under which action is being taken. Principals should establish whether an interpreter or cultural assistance is needed in order to allow the student and parent to participate fully in the process, and if appropriate, make suitable arrangements. A support person of the student's choice may be used in circumstances where a parent is not available or appropriate.

Where a student's behaviour is repeatedly unacceptable and is likely to lead to suspension, the principal must have clear documentation of all previous events, action taken and strategies implemented to improve the student's behavior. This documentation may be requested by the schools manager, or by the student and/or parent through the information access provisions of the *Information Act*.

4 DETENTION / INTERNAL SUSPENSION

Detention

Under s.196(2) of the *Criminal Code Act*, it is lawful for a teacher to impose detention as a form of student discipline during school hours or immediately after school. This means a student may be excluded from one or more classes and/or recess and/or lunch and/or after school.

Internal suspension

Internal suspension is the disciplinary action, during normal school hours, of removing a student from a scheduled class and placing him or her in an isolated, closely supervised environment for a longer period than detention.

Procedures

If detention or internal suspension is used, the student must be:

- appropriately supervised at all times
- able to access assistance if necessary
- be provided with an adequate amount of work
- provided with the food and drink that they would have had if they had accessed recess and/or lunch, or in the case of internal suspension, be given separate supervised break times
- provided with access to toilet facilities.

No after-school detention should exceed thirty minutes and notice must be provided to the student's parent in advance to explain the reason and timing of the detention. Principals may also defer after-school detention until the following day in order that appropriate notice is given to parent. Alternative behaviour management consequences will need to be discussed and negotiated with the parent should it be indicated that the detention will cause problems with regard to transportation home or with after-school care arrangements.

Where a student has repeatedly received detention or internal suspension, parents should be informed and warned that further consequences may be applied should the student's unacceptable behaviour continue.

5 SUSPENSION

Suspension is a serious matter and principals should exercise caution in the use of this consequence. Suspension is not a punitive process and should only be used when other behaviour management consequences have not produced a satisfactory outcome or in extreme behaviour situations e.g. repeated disobedience or where a student is excessively abusive, threatening or violent.

Authority to suspend

Section 27 of the *Education Act* (the Act) empowers the principal to suspend a student from attendance at school '**because the presence of the person at school would, in the principal's opinion, be injurious to the health or moral welfare of other persons enrolled at the school, by reason of the person's insolence, repeated disobedience, immoral conduct or serious breach of discipline**'. Any suspension which is not put in place in the context of future risk and with the prime purpose of protecting the 'health and moral welfare' of others enrolled at the school may be unlawful.

It should be noted that the principal is the only person with the power to suspend. That power cannot be delegated except to acting principals. However, in a situation where the principal is the victim, it may be necessary for the schools manager to initiate the suspension of a student. Inherent in the principal's power to suspend, is the power to revoke a suspension for either the full suspension period or part thereof.

Purpose of suspension

The purpose of suspension is to:

- ensure that the student and parent are aware of the seriousness of the unacceptable behaviour
- allow time for a student to reflect on their behaviour

- allow time for school personnel to plan appropriate support and re-entry for the student
- protect the right of other students to learn and teachers to teach without being unduly disrupted or put at risk.

Reasons for suspension

The focus is on managing student behaviour and ensuring a safe school environment, therefore in most cases, a range of appropriate restorative or reconciliatory strategies will have been implemented before a suspension is imposed. However, students and parents should be made aware that the following student behaviours on school grounds are of a serious nature and will not be tolerated. They are likely to lead to suspension and where appropriate, police involvement will occur:

- physical abuse
- verbal abuse
- sexual assault
- intimidation and threats
- cyber bullying and harassment e.g. sending abusive/rude messages via sms text messages or e-mail
- possession of a weapon and/or use of a weapon
- possession of and/or trafficking, using or being under the influence of illicit drugs
- possession of and/or having consumed alcohol or providing alcohol to others
- possession of or supplying tobacco products or smoking on school grounds
- vandalism
- stealing
- committing an obscene or offensive act
- repeated disobedience and/or failure to follow reasonable instruction.

In making a decision to suspend, the principal must take into account the risk and potential consequences to the safety and well-being of other students of not suspending the student. In some circumstances, the principal may determine that a student should be suspended immediately. This will usually be due, but not limited to, reasons such as the immediate safety of students.

Period of suspension

The period of the suspension should be for the shortest time necessary and depends on the severity or frequency of the student's unacceptable behaviour. A suspension may be for a maximum period of twenty school days (s.27(4) of the Act refers). Except for twenty-day suspensions that have been imposed to facilitate an expulsion, the suspension must terminate at the end of a school term in which it was imposed and not continue into the following term.

The first day of the suspension is the day the student leaves the school (where the student is suspended in the morning and has left the school before or during lunchtime) or the following day (where the student is suspended and leaves during the afternoon or at the end of the school day). The time at which the suspended student is required to leave the school should be made with consideration to the student's age and his/her safety on the way home from school and at home. Parents should be contacted first and appropriate arrangements made for the student's supervision. The principal must not allow a student who is suspended prior to the end of the school day to leave the school grounds until an arrangement is agreed to by the principal and the student's parent.

During the period of suspension a student may not attend another school. The suspended student is still enrolled at the school from which she or he has been suspended. It should be noted in the School Wellbeing and Behaviour Management Policy that, on request, the school will provide educational support and meaningful work to the student to enable continuation of programs, fulfilment of course requirements and to ensure the student is not educationally disadvantaged.

Suspension procedures

Prior to making a decision to suspend, a formal interview must be held with the student where the principal must

- advise the student exactly what behaviour is unacceptable and that suspension may be a consequence
- give the student the opportunity to present his or her side of the incident before any decision to suspend is made
- make reasonable attempts to consult with the student's parent regarding the specific behaviour which the school considers unacceptable and which may lead to suspension, and document all such attempts
- having considered the student's explanation of the incident advise them (and their parent) that suspension is the intended consequence and provide the student with an opportunity to be heard on the proposed action.

In addition, the principal must

- ensure that a range of appropriate strategies have been applied and documented, except in extreme situations requiring immediate suspension of a student
- collect evidence relevant to the specific behaviour in question, such as statements from school staff, perpetrator, victim, witnesses, bystanders
- maintain clear documentation of events and action taken.

Following a decision to suspend, s.27(3) of the Act requires that a principal must

- immediately provide written notification to the student's parent including a **full report** of the circumstances of the suspension
- advise the parent of their responsibility under s.29 of the Act to ensure that during the period specified in the notice, the student does not attend school and will not be on school premises unless under supervision of a parent
- immediately provide a suspension notice to the schools manager (Ministerial delegation 1993 refers) and a copy of the notification to the parent that includes a full report of the circumstances of the suspension
- file all relevant paperwork on individual student record folders in accordance with the NT Government's Record Management Standards 2007.

Note: Schools are encouraged to enter details of the suspension into the Student Administration and Management System (SAMS) behaviour module which generates an automatic suspension notice and parent letter.

Review

The schools manager is responsible for ensuring that schools apply consistency and fairness in managing student behaviour. This may include monitoring the length of suspensions applied to students. The schools manager may conduct a review of a

suspension in consultation with the principal if they believe correct procedures have not been followed or that an unfair decision has been made. Where there is a pattern of multiple suspensions for a particular student, the schools manager may meet with the principal to discuss alternative strategies or educational programs for that student.

Appeals

While there are no formal appeal rights associated with suspension from school, parents and/or students are entitled to express dissatisfaction with any aspect of government education. Complaints regarding suspension of a student must be managed in accordance with procedures outlined in the DET Complaints Policy. While resolution at the local level is preferred wherever it is appropriate to do so, complainants are also entitled to refer their complaint to another authority for resolution e.g. the Ombudsman. This reinforces the fact that suspension processes can be subject to close scrutiny and challenge, demanding a high degree of accuracy and attention to the Act and these guidelines.

Re-entry to school

When a student returns to the school following a period of suspension, the principal or delegate must:

- convene a re-entry meeting with the student (and parent, where appropriate)
- advise the student that re-entry may include the imposition of behaviour conditions
- consult with the student's parent (where appropriate) to develop a program to support the student's reintegration
- involve relevant school staff in the development and implementation of the student's reintegration program.

6 EXPULSION

Expulsion is considered an extreme and serious action and will only be used after other relevant forms of behaviour management have been exhausted. In exceptional circumstances and in consultation with the schools manager, the use of expulsion may be considered an option where a student either:

- A. displays a serious pattern of unacceptable behaviour, or
- B. is involved in such a single incident of serious unacceptable behaviour that significantly interferes or inhibits the welfare and rights of other students in receiving appropriate education.

Authority to expel

The Minister has delegated authority to the Chief Executive to expel a student from a government school and to lift an expulsion order that has previously been made in relation to a particular student (s.28 of the Act refers). Further, under s.29A of the Act an expelled student is precluded from enrolling at any other Northern Territory government school (other than distance learning schools) without the permission of the Chief Executive (Ministerial delegation 2008 refers).

Procedures for expulsion

A. Expulsion as a result of a serious pattern of unacceptable behaviour

Where there has been a serious pattern of unacceptable behaviour **the principal**, in consultation with the schools manager, must:

- ensure that all appropriate well-being and discipline strategies have been implemented and documented prior to expulsion being considered
- warn students that further unacceptable behaviour (identifying the behaviour) may lead to expulsion. This warning must be confirmed to the student and their parent in writing.

If unacceptable behaviour continues after the warning the principal, in consultation with the schools manager, must:

- invite the student's parent to meet with them to discuss the expulsion action being considered
- concurrently advise the student exactly what behaviour is unacceptable and that expulsion may be a consequence
- ensure that each allegation relating to the incident(s) is put to the student and/or parent who are given the opportunity to present their version of events
- provide the student and/or parent with a copy of all documentation on which the consideration of expulsion is based (this could include statements from the student, principal, victims, witnesses or others involved, or police incident number)
- take into account the submissions made by the student and/or parent in deciding on the action to be taken
- discuss alternatives to expulsion with the student and/or parent, e.g. relocation to another school (and identify resources needed to support such a relocation)
- document all meetings with the student and/or parent and provide a copy of the meeting record to the student/parent.

In some cases, the student and/or parent may agree that it is in the student's best educational interests to relocate to another school. In this case, the schools manager will liaise with the principals of both schools and relevant areas of the department to ensure that appropriate support is made available to the student.

If it is still considered that a student's behaviour warrants expulsion the principal, in consultation with the schools manager, must:

- suspend the student for twenty school days to facilitate the expulsion process
- provide full details of the case within seven days to the relevant schools manager and recommend in writing that the student be expelled
- write to the parent and the student notifying
 - that the student has been suspended for twenty school days and that the school is seeking expulsion
 - the reasons for recommending expulsion
 - that any appeal against the recommendation, by the parent or the student, must be made to the schools manager within seven days of the date of the notification

- that expulsion precludes the student from enrolling at any other Northern Territory government school (other than distance learning schools) without the permission of the Chief Executive.

B. Expulsion as a result of a single incident of serious unacceptable behaviour

Where there has been a single incident of such a serious nature **the principal**, in consultation with the schools manager, must

- advise the student exactly what behaviour is unacceptable
- telephone the student's parent to advise of the incident and proposed action
- ensure that each allegation relating to the incident(s) is put to the student and/or parent who are given the opportunity to present their version of events
- advise the student and parent that expulsion is considered the only appropriate course of action
- suspend the student immediately for twenty school days to facilitate the expulsion process and allow for procedural fairness
- write to the parent and the student notifying
 - that the student has been suspended for twenty school days and that the school is seeking expulsion
 - the reasons for recommending expulsion and full details of the specific circumstances (including copies of relevant documentation)
 - that any appeal against the recommendation, by the parent or the student, must be made to the schools manager within seven days of the date of the notification
 - that expulsion precludes the student from enrolling at any other Northern Territory government school (other than distance learning schools) without the permission of the Chief Executive.
- provide full details of the case within seven days to the relevant schools manager and recommend in writing that the student be expelled.

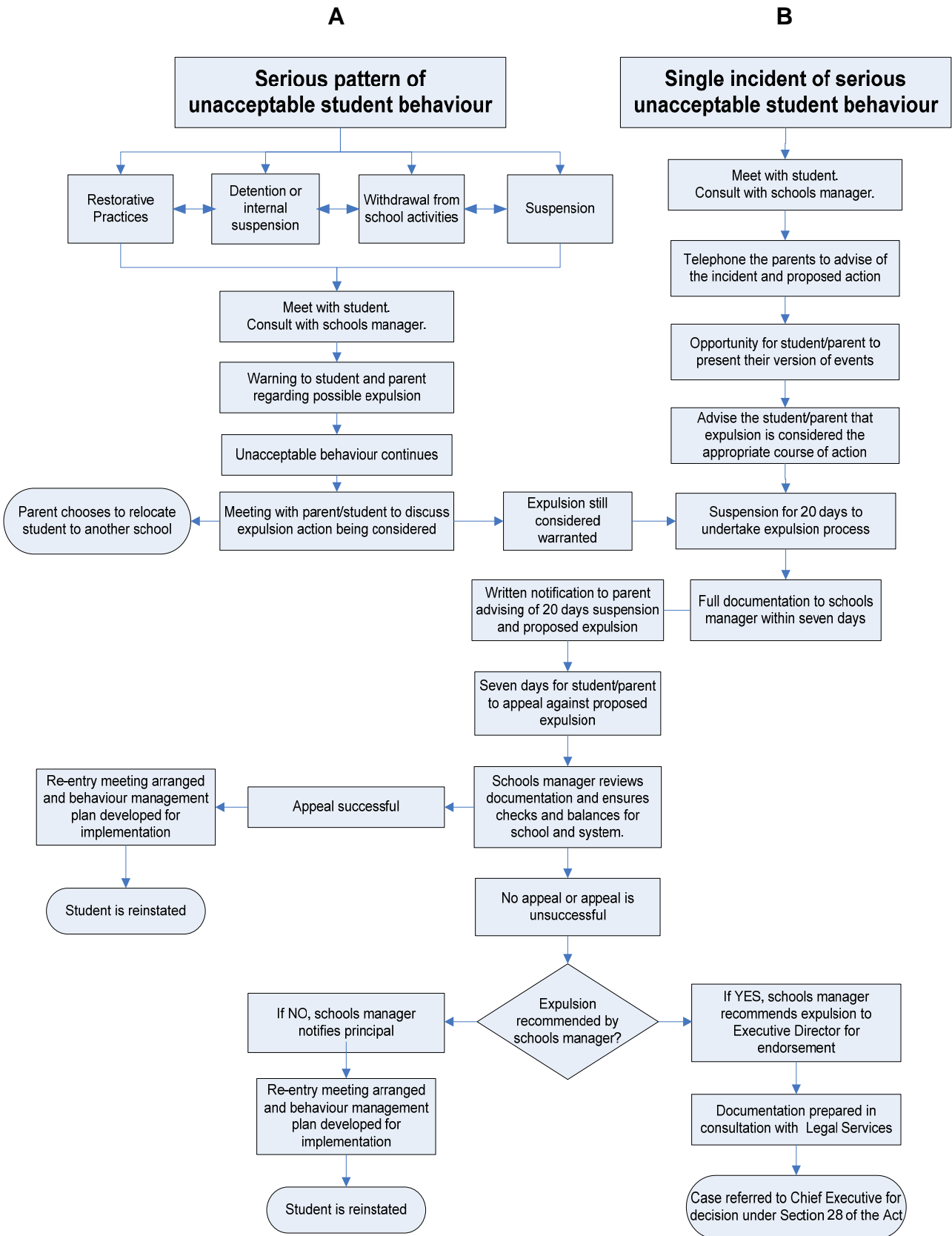
In a situation where the principal is the victim, it may be necessary for the schools manager to initiate the expulsion of a student.

Role of schools manager

In reviewing the documentation provided by the principal, the schools manager must:

- ensure that the student and/or parent involved have been provided with all relevant information and given the opportunity to appeal against the recommendation
- ensure appropriate procedures have been followed by the principal
- if an appeal is successful and/or expulsion is not recommended, advise the principal of the reasons for rejecting the application and identify appropriate resources to assist with the student's re-entry to the school
- if no appeal, or an unsuccessful appeal, and/or expulsion is recommended, forward all relevant documentation to the Executive Director for endorsement
- following endorsement, arrange preparation of the necessary documentation in consultation with the Legal Services Unit and refer the case to the Chief Executive for a decision pursuant to s.28 of the Act.

Flowchart - procedures for expulsion



Principals' checklist for suspension

- A range of well-being and behaviour management strategies have been implemented and documented (except in situations requiring immediate suspension of a student).
- Student has been advised exactly what behaviour is unacceptable and that suspension may be a consequence (or in the case of extreme behaviour, that suspension will be applied immediately).
- Schools manager has been consulted.
- Student and parent have been made aware that suspension is imminent
- Circumstances have been investigated and evidence and findings documented.
- Opportunity has been provided for student to put their case forward.
- Notice of suspension has been forwarded to student and parent.
- Notice contains reasons for suspension and the evidence used to make decision.
- Parent and student have access to all documentation relevant to decision.
- Suspension advice and copy of parent letter has been sent to schools manager.
- Re-entry meeting arranged for student.

Principals' checklist for recommendation for expulsion (serious pattern)

- A range of well-being and behaviour management strategies have been implemented and documented.
- Student has been advised exactly what behaviour is unacceptable and that expulsion may be a consequence.
- Opportunity has been provided for student to put their case forward.
- Schools manager has been consulted.
- A warning has been given to student and parent regarding possible expulsion.
- Circumstances have been investigated and evidence and findings documented.
- Student and parent have been invited to discuss possible expulsion action.
- Parent and student have been provided with copies of all documentation on which the consideration of expulsion is based.
- Submissions made by student or parent have been taken into consideration.
- All parent meetings have been documented and copies provided to parent.
- Notice of twenty days suspension to facilitate expulsion has been forwarded to student and parent. Notice advises of intention to expel, the evidence used to make recommendation, and that the student/parent has seven days to appeal.
- All documentation has been sent to schools manager within seven days.

Principals' checklist for recommendation for expulsion (single incident)

- Student has been advised exactly what behaviour is unacceptable.
- Schools manager has been consulted.
- Parent has been telephoned and advised of the incident and proposed action.
- Opportunity has been provided for student/parent to put their case forward.
- Student and parent have been advised that expulsion is considered appropriate.
- Notice of twenty days suspension to facilitate expulsion has been forwarded to student and parent. Notice advises of intention to expel, the evidence used to make recommendation, and that the student/parent has seven days to appeal.
- Circumstances have been investigated and evidence and findings documented.
- Parent and student have been provided with copies of all documentation on which the consideration of expulsion is based.
- Submissions made by student or parent have been taken into consideration.
- All documentation has been sent to schools manager within seven days.