

Information for parents and carers about school expulsions

This document contains information about:

- government school expulsions and what will happen if the principal is considering expelling your child
- a Behaviour Support and Intervention Meeting at your child's school, which must take place before the principal makes their decision about whether to expel your child. You are encouraged to attend
- bringing a support person to attend the meeting with you if you wish
- the timelines for appealing the decision to expel, and
- supports available for you and your child.

When an expulsion is being considered

Every child and young person deserves an education and has a legal right to attend a Victorian government school. Upholding this right and ensuring the safety and wellbeing of all students are top priorities in the Victorian government education system.

On rare occasions, a student's behaviour may compromise the health, safety and wellbeing of other students and staff at the school. Where a behavioural incident is of such magnitude that an expulsion is considered by the school principal, a transparent, fair and supportive process must be in place.

For expulsion to be considered, your child's behaviour must have occurred when your child was at school, travelling to or from school or attending a school related activity (**standard grounds**) or the behaviour must pose a significant danger to the health, safety and wellbeing of students and staff of the school and have a clear and close connection to the school even though it occurs outside of school grounds or hours, including online (**exceptional grounds**).

For more detail about the grounds see Ministerial Order No. 1125 — *Procedures for Suspension and Expulsion of Students in Government Schools* (summarised on the final page).

The principal will:

- thoroughly and fairly investigate the circumstances
- invite you and your child to attend a Behaviour Support and Intervention Meeting
- consider all of the information available and make a decision about whether expulsion is considered to be the only available option.

Behaviour support and intervention meeting

The principal must hold a Behaviour Support and Intervention Meeting before making a decision about whether to expel your child. This meeting provides you and your child with an opportunity to:

- hear why an expulsion is being considered and the evidence to support this
- respond to this evidence and be heard
- provide any further information that will assist the principal in their decision making
- discuss supports for your child to remain at the school or suitable future education, training and/or employment options for a supported transition if a decision is made to expel.

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

The meeting will include:

- you and your child
- the principal and relevant members of staff who have or have had a role in supporting your child
- a Regional Approved Support Person (an employee of the Department who is experienced in student wellbeing).

You can bring a support person — it is important that you and your child feel well supported and able to fully participate in the meeting. This person cannot be paid or rewarded by you for their time.

The school can also organise an interpreter if required.

If you are unable to participate in the meeting:

It is very important that your child has somebody to advocate and provide support for them at this meeting.

If you can't participate for any reason, you can nominate another trusted adult to take your place (you will need to complete a *Relevant Person Nomination and Acceptance Form*, available [here](#) or from the school).

Alternatively, you can talk to the school about engaging an independent support person from the Department. This person is an employee of the Department and has no affiliation with the school (sometimes schools refer to them as a 'relevant person' or a 'suitable person'). They will have received special training and will advocate on behalf of your child and their best interests.

This person can attend the meeting on your behalf and may also be accompanied by a support person of your choice.

Representation and support

Bringing a support person

A support person can be anyone the family trusts to act in the child's best interests and who may speak on their behalf. They can be involved in supporting the student and family before, during and after the expulsion process. The support person cannot act for fee or reward.

If your child has any additional needs or considerations (e.g. a disability, or you have specific cultural/religious needs), you may like to seek the support of a person or organisation with the relevant experience and expertise.

The role of a support person:

This person can provide a range of support, including:

- attending the Behaviour Support and Intervention Meeting with you (or the person you nominate to represent you if you can't attend) to support you
- explaining the expulsion process and helping to ensure you and your child understand
- informing you about your child's rights, and your own rights as a parent or carer

- ensuring the school follows the legislated process and gives proper consideration to the *Charter of Human Rights and Responsibilities Act 2006*
- listening to your concerns and questions; offering support
- helping you think about and explain the outcome you and your child would like
- helping you to prepare for the meeting and ensure you and your child have an opportunity to be heard
- helping you and your child consider the next steps if a decision is made to expel your child
- making sure you have the right paperwork (e.g. a *Notice of Expulsion* or a *Student Absence Learning Plan*)
- supporting you through any subsequent appeals process
- supporting your child's transition to a new setting if required.

The support person is not there to:

- make a decision for you
- act on behalf of the school or the Department.

For more information, refer to the [Support Person Guide](#).



Koorie students and families

There is a dedicated Koorie workforce who provide information and support to Koorie students and families. If your child's principal is considering expulsion, you can contact your school or Regional Engagement Coordinator for more information about Departmental supports for you and your child throughout the process.

Families can also contact the Victorian Aboriginal Education Association Incorporated (VAEAI) for independent support via vaeai.org.au or on 9481 0800.

Students with additional needs or a disability

Support is available for families of children with additional needs or a disability. If your child's principal is considering expulsion you can contact your school or Regional Engagement Coordinator for more information about Departmental supports for you and your child throughout the process.

You can also contact the Disability Advocacy Resource Unit for independent support via daru.org.au or on 9639 5807.

Older children — adults and mature minors

If your child is 18 years of age or older they can represent themselves throughout an expulsion process if they choose to. With their consent you can still support them and attend relevant meetings.

The school will strongly encourage your child to have a parent, carer, support person or independent person to provide them with support.

The law recognises that as children become older and more mature, they are more capable of making their own decisions. If your child, under the age of 18 years, asks to represent themselves during the expulsion process, the principal will need to determine if they are capable of participating in the process without an adult and making their own decisions (if they can be considered a mature minor). In this circumstance you can contact your principal or Regional Engagement Coordinator for further information.

Online safety

If your child has been involved in unsafe or difficult online experiences you can access information and resources to support them to stay safe when using social media via Safe Socials and the eSafety Commissioner Online safety | eSafety Commissioner.

Support for your child

Regional supports

The Department delivers supports through four regional offices. You can ask to speak to a Regional Engagement Coordinator about support for yourself and your child throughout the expulsion process. You can contact your local Regional Office by calling (03) 9637 2000 or 1800 338 663, or via email:

enquiries@education.vic.gov.au

Interventions and supports

As a parent or carer, you are likely to have critical information about your child and what may trigger certain behaviours. This information may help to shape the school's response and help to prevent issues from escalating.

If you are concerned about your child's behaviour and any contributing issues you can contact the school and seek support for your child.

Prior to considering an expulsion and throughout the process, there are a range of interventions and supports that your child's school may explore and implement, such as a Student Support Group, Behaviour Support Plan, dispute resolution, in-school supports and access to allied health professionals.

You can talk to your child's school about these supports and interventions.

Supporting your child

There may be signs that your child needs some additional support. These signs can include:

- excessive sleep, being unable to get to sleep or finding it difficult to get up
- use of/or increasing use of drugs or alcohol
- changes in mood, beyond what could be considered reasonable in the circumstances
- acting out, extreme anger or excessive crying
- taking less care with appearance
- withdrawing from friends, family and other networks
- a loss of interest in usual activities.

Additional supports:

If you are worried about your child, you should:

- contact your child's school. Start with their classroom teacher, year level coordinator or the wellbeing leader. Depending on your child's needs, the school can put in place a range of supports or help you in seeking further support.
- make an appointment for your child at the GP to make a mental health care plan and seek advice on appropriate further support.
- call Parentline on 13 22 89 (8am to midnight, seven days a week, every day of the year, including public holidays)
- explore the Department's [Mental health and wellbeing toolkit | vic.gov.au](#) for mental health support, resources and advice available for students and families.
- visit the [Parents and carers — mental health and wellbeing toolkit](#) for guidance to help strengthen your child's mental health and wellbeing at home, and how to work with your school and seek help if you have concerns
- visit [Support if you're concerned about your child's mental health | vic.gov.au](#) for immediate advice and support if your child or teen is struggling with their mental health
- If your child needs to talk to someone, you can encourage them to contact: Kids Helpline on 1800 55 1800 (24 hours a day, 7 days a week or Kids Helpline Web Counselling), or Headspace via Chat with Headspace or 1800 650 890

Decisions and appeals

Timelines and decision making

Where your child is **9 years of age** or more, the principal must communicate their decision about whether to expel your child within **two business days** of the Behaviour Support and Intervention Meeting.

Where your child is 8 years of age or less, the principal must communicate their decision about whether to expel your child within 10 business days of the Behaviour Support and Intervention Meeting. The principal must seek approval from Secretary of the Department of Education to expel students aged 8 or less. The Department recognises how important it is for very young students to remain engaged in education. This time period gives the principal time to seek approval and for the Secretary to consider your child's case.

While the principal is making a decision:

It is important that your child is supported to remain engaged in their education while an expulsion is being considered. While a decision is being made, your child may receive a suspension. The school will provide your child with work so they can keep up with their learning and academic progress. If the suspension is likely to be for longer than a week, a teacher should be allocated to provide support during the suspension. You can contact the school if this hasn't happened.

If a decision is made not to expel my child

Your child will be supported in a range of ways to continue at their school.

It is likely that the school will invite you to attend a Student Support Group. This will provide an opportunity to collaborate with school staff to develop or update a Behaviour Support Plan for your child, and determine other appropriate interventions. Allied health professionals (e.g. psychologists) or any other professionals who have been involved in supporting your child may provide input.

If a decision is made to expel my child

You will receive a *Notice of Expulsion* from the principal.

This notice will outline the grounds for the expulsion, the reasons for the expulsion, date

when the expulsion is set to commence and your right to appeal the decision.

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

Support will be provided to you and your child during the transition to ensure that a suitable place is available at another Victorian government school or other setting. A successful transition will be made as soon as possible.

Your child will also be provided with a Student Absence Learning Plan, which includes school work to ensure your child continues their education during this time.

If you require additional assistance, please contact the Regional Engagement Coordinator who will notify the relevant Area team staff. The Area team will follow up with you to provide support as relevant.

Appealing a decision

You have a right to appeal a decision to expel your child. An *Expulsion Appeals Form* and further information is included in the *Notice of Expulsion* which the principal will provide to you. You must provide the principal with a completed and signed *Expulsion Appeal Form* within **10 business days** of receiving the *Notice of Expulsion*. An expulsion can be appealed on the following grounds:

- there have not been significant prior intervention and strategies utilised prior to the decision to expel where the student has a history of behavioural issues
- the grounds on which the student was expelled are considered unfair
- the expulsion process was not followed by the principal
- there are other extenuating circumstances.

Your appeal will go to the Secretary or their delegate (usually the Executive Director — Area) for consideration. They may convene a panel to consider your appeal. You and your child will be invited to attend a meeting of the panel and outline your reasons for the appeal. You can also bring a support person to the review panel.

Grounds for expulsion

Standard Grounds for expulsion

(Clause 9 (1)(a)(i) — (vii) and 13 of Ministerial Order 1125)

A Principal may expel a student if:

while attending school, travelling to or from school or engaging in any school activity away from the school (including travelling to or from that activity)

A student's behaviour meets one or more of the following grounds:

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.

Exceptional Ground for expulsion — outside of school activity

(Clause 9 (1)(b) and (2) of Ministerial Order 1125)

A Principal may expel a student if: in exceptional circumstances, for behaviour which occurs outside of school, including online, the following are met:

- the student behaves in such a way as to pose a significant danger, whether actual or threatened, to the health, safety or wellbeing of another student or a staff member of the student's school, and
- the student's behaviour has a clear and close connection to the student's school. This means that the behaviour unreasonably impacts another student or staff member of the student's school, in one or more of the following ways:
 - the behaviour unreasonably prevents or impedes another student or the staff member from participating in a school activity;
 - the behaviour unreasonably prevents or impedes another student from engaging with educational and learning opportunities at or provided by the school;
 - the behaviour unreasonably prevents or impedes a staff member from performing their work or duties for or at the school.

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.