Department of Education
Learners first, connected and inspired

Student Behaviour

Procedure
Student Behaviour Procedure

1. Scope (audience and applicability)

These procedures apply to all staff and students in all schools and senior secondary schools (college) settings.

These procedures should be read in conjunction with the Learner Wellbeing and Behaviour Policy, Respectful Schools, Respectful Behaviour, Schoolwide Positive Behaviour Support (SWPBS) and the National Safe Schools Framework.

2. Purpose

Schools should provide safe and inclusive learning environments so all learners have the best opportunity to strive for excellence and reach their potential.

These procedures outline a range of consequences to student behaviour which are specified in the Education Act 1994 (the Act) as possible responses by schools to unacceptable student behaviour.

It is our priority to continue to build respectful relationships and better behaviour to support and promote the Learners First values of learning, excellence, equity, respect and relationships.

3. Definitions

- **Detention** is any relatively short period when a student is required to remain at school in a student's "non-class" time (recess, lunchtime, recreation time, after school) or excluded from normal classes, or from a particular class, pending negotiated conditions for re-entry.

- **Exclusion** is the temporary, full-time or part-time withdrawal of a student's right to attend school for more than two weeks.

- **Expulsion** is the full-time withdrawal of a student's right to attend a particular government school.

- **Independent Student/s** students under 18, but for legal or other reasons are considered to be an Independent Student by Centrelink.

- **Parent/s** means a parent or a legal guardian or anyone with care and control of a child.

- **Principal** is the person in charge of a school or their delegate.

- **Prohibition** is the permanent full-time withdrawal of a student's right to attend any government school.

- **School days** means the days on which the school is to be open for educational instruction.

- **Secretary** means the Secretary of the Department of Education.

- **Student/s** includes a child who is at least 5 years of age as at January 1 in any year, and who unless exempted or excused under the Education Act, must be enrolled at a school or provided with home education.

- **Suspension** is the temporary, full-time or part-time withdrawal of a student's right to attend school for a period of two weeks or less (maximum 10 school days).

- **The Act** means the Education Act 1994 unless specified otherwise.
4. Student Behaviour

Every student at a Tasmanian Government school must behave in a manner which is acceptable to the principal of that school.

Every government school must have a student behaviour policy which adheres to the requirements outlined in these procedures. This policy should align with:

- Respectful Schools, Respectful Behaviour
- National Safe Schools Framework
- Enrolment and Attendance Procedure
- Learner Wellbeing and Behaviour Policy
- Schoolwide Positive Behaviour Support.

This policy must be communicated to students, parents, staff and the school community to ensure that the school community has an understanding of what constitutes unacceptable student behaviour and associated consequences.

5. Unacceptable Student Behaviour

All students must adhere to the school behaviour policy and understand the consequences of failing to do so.

Unacceptable behaviour includes:

- refusal to participate in the education program
- disobedience of instructions which regulate the conduct of students
- behaviour which is likely to impede significantly the learning of the other students of that school
- behaviour which is detrimental to the health, safety or welfare of the staff or other students of that school
- causes or is likely to cause damage
- is likely to bring that school into disrepute
- any other behaviour that the Secretary determines.

Only the principal and/or the General Manager Learning Services and/or the Secretary may impose the following consequences for student behaviour:

- Suspension (link)
- Exclusion (link)
- Expulsion (link)
- Prohibition (link)

Teaching staff should consider appropriate educative consequences depending on the nature of the behaviour and the student’s circumstances (i.e. detention, restorative approaches) prior to more serious consequences.

6. Authority to Impose Behavioural Consequences

6.1 Principal

The principal has the authority to impose a detention on a student. The principal has the authority to suspend a student from part-time or full-time attendance for a period of up to two weeks (maximum 10 school days).
The authority to impose detentions should be delegated to teaching staff in the school’s student behaviour policy.

The authority to suspend may only be delegated to the second in charge when the principal is absent from the school. A delegation for the second in charge must be appropriately made through notification in writing to the General Manager, Learning Services.

**Note:** This authority should not be delegated to other members of staff. In the unlikely event that both the principal and second in charge are absent, the school should contact the General Manager, Learning Services for guidance.

### 6.2 General Manager Learning Services

The General Manager Learning Services has the authority to suspend, exclude or expel a student from a school.

### 6.3 Secretary

The Secretary is the only person with the authority to prohibit a student from attending any government school.

**Notwithstanding 6.1 and 6.2** the Secretary has the authority to suspend, exclude or expel a student from a government school.

### 7. Behavioural Consequences Aligned to Departmental Values

When imposing a consequence for unacceptable student behaviour, the Learners First values of learning, excellence, equity, respect and relationships must be taken into consideration.

When imposing a consequence for unacceptable student behaviour schools should consider:

- Their responsibilities to ensure interactions with student/s, parent/s and school communities are positive and effective. All schools should consider their accountability to students, the department and the Tasmanian community when imposing a behavioural consequence.
- All students have the right to a high quality education. Schools should ensure that each student has access to supported learning experiences.
- Alternative learning options tailored specifically to the needs of a student which strive towards DoE values.
- The age, year level, and particular circumstances of each student relevant to the effectiveness and hardship which a behavioural consequence may cause (i.e. Care and Protection Orders, young carers, cared for by grandparents).
- The importance of establishing and maintaining strong positive relationships with student/s, parent/s and the community to ensure that all learners are best placed to reach their potential and improve understanding of the value of education and training.
8. Detention

The principal or teaching staff of a school may impose a detention as a consequence of unacceptable behaviour.

Detention is considered an appropriate response for unacceptable behaviour in the first instance. It is intended to be an immediate consequence for inappropriate, irresponsible behaviour. Where appropriate, detention is intended to provide an opportunity for students and staff to reflect on student behaviour without monopolising lesson time or inferring with other students.

The process for detention should be explicit in the school’s student behaviour policy.

Requirements:

- Students in detention should be readily observable and supervised by a member of the teaching staff.
- Parents must always be notified if a detention is to occur before or after school hours.
- When imposing and/or implementing a detention, staff must take the following into consideration
  - Transport arrangements
  - Undue hardship on parents
  - The appropriateness of the length, timing and method of detention
  - The attitude of the student and the effectiveness of detention as a consequence and deterrent of unacceptable behaviour
  - The nature of the detention space (should be comfortable but uninteresting but should not be punitive or so public that it calls attention to the student)
  - Whether the purpose underlying the detention is consistent with Learners First values of learning, excellence, equity, respect and relationships
  - Any other circumstances which may be relevant.
9. Suspension

A principal, General Manager Learning Services or the Secretary may suspend a student from part-time or full-time attendance at the school for two weeks (10 school days) or less. Suspension is not subject to review.

Under no circumstances can a student be suspended for a period exceeding 2 weeks (10 school days). Principals, the General Manager Learning Services or the Secretary must not consecutively impose suspensions for the maximum period. This is known as a ‘rolling suspension’ and is contrary to the Education Act.

An exclusion can be imposed by the General Manager Learning Services or Secretary for a period more than 2 weeks.

Procedure for Suspension:

- The principal must send a letter on the school letterhead under their name and signature via registered mail to the parents of the student detailing the grounds for the suspension.
- If appropriate, principals should verbally communicate the reason for suspension.
- The suspension letter must:
  - State the facts and grounds for the suspension
  - Outline the specific timeframe for the suspension (this must not exceed 10 school days)
  - State that the parent has responsibility for supervision of the student during the suspension period
  - Request a conference between the student, parent/s and staff at the school.
- The aims of the parental conference are to:
  - Ensure the parent/s and student are aware of the seriousness of the behaviour and the need for the suspension
  - Form a mutually agreed plan for the student’s re-entry into school.
- The principal must ensure that a full report detailing the circumstances underlying the suspension is recorded appropriately, as soon as possible.
- The principal must ensure that any associated support activities are recorded appropriately.
- The General Manager, Learning Services must be notified by the principal when a student has three or more suspensions within a school year (across all government schools).
10. Exclusion

The General Manager, Learning Services or the Secretary may exclude a student from part-time or full-time attendance at a school for a period of 2 weeks or more.

An exclusion must not exceed the end of the term in which the student is suspended.

Procedure for Exclusion:

- The principal must send a letter on the school letterhead under their name and signature via registered mail to the parents of the student indicating that the student has been suspended and that exclusion for a further period is being sought.
- If appropriate, principals should verbally communicate the reason for suspension.
- The suspension letter must:
  - State the facts and grounds for the exclusion
  - Indicate that the student is suspended but that a further exclusion period is being sought
  - Outline the specific timeframe for the suspension (this must not exceed 10 school days)
  - State that the parent has responsibility for supervision of the student during the suspension/exclusion period
  - Outline the exclusion process including options available for review
  - Request a conference between the student, parent/s and staff at the school.
- The aims of the parental conference are to:
  - Ensure the parent/s and student are aware of the seriousness of the behaviour and the need for an exclusion
  - Form a mutually agreed plan for the student's re-entry into school.
- The principal must ensure that a full report detailing the circumstances underlying the suspension and exclusion are recorded appropriately, as soon as possible.
- The principal must ensure that any associated support activities are recorded appropriately.
- The principal must request approval to exclude the student from the General Manager, Learning Services on the day the student is suspended. This request must include a copy of the suspension letter, the report and indicate a definite timeframe for which exclusion is sought.
- Before the end of the student's suspension, the General Manager Learning Services (or nominee) will review the exclusion request and advise the parent/s:
  - That a period of exclusion is to be imposed for the student, or
  - That the student should return to school at the end of the current suspension.
- The General Manager Learning Services (or nominee) will where appropriate:
  - Negotiate with the principal regarding the student's re-entry
  - Provide an opportunity for the student and the parent/s to be consulted
  - Establish a network of teachers, support staff, officers from other agencies for wider discussion and risk management with a focus on educational outcomes
  - Determine the educational instruction for the period of the exclusion.
- The principal will conduct an interview with the student and the student's parent/s in the final week of the period of exclusion to negotiate re-entry to the school. This should involve support staff as appropriate.
11. Expulsion

The General Manager, Learning Services or the Secretary may expel a student from a Tasmanian Government school. Expulsion from one school does not prevent the enrolment of the student in another government school. Expulsion is subject to review.

Procedure for Expulsion

- The principal must send a letter on the school letterhead under their name and signature via registered mail to the parents of the student indicating that the student has been suspended and that an expulsion from the school is being sought.
- If appropriate, principals should verbally communicate to the parent/s the reason for expulsion.
- The suspension letter must:
  - State the facts and grounds for the suspension
  - Indicate that the student is suspended but that an expulsion from the particular school is being sought
  - Outline the specific timeframe for the initial suspension (this must not exceed 10 school days)
  - State that the parent has responsibility for supervision of the student during the suspension/expulsion period
  - Outline the expulsion process including options available for review
  - Request a conference between the student, parent/s and staff at the school.
- The aims of the parental conference are to:
  - Ensure the parent/s and student are aware of the seriousness of the behaviour and the need for the expulsion
  - Form a mutually agreed plan for the student’s re-entry into school.
- The principal must ensure that a full report detailing the circumstances underlying the suspension and expulsion are recorded appropriately, as soon as possible.
- The principal must ensure that any associated support activities are recorded appropriately.
- The principal must request approval to expel the student from the General Manager, Learning Services on the day the student is suspended. This request must include a copy of the suspension letter, the report and indicate a definite timeframe for which expulsion is sought.
- The student must continue to have an active enrolment until alternative enrolment is arranged.
- The General Manager Learning Services (or nominee) will consider the application for expulsion and:
  - consult with the principal
  - provide an opportunity for the student and the student’s parent/s to be consulted
  - establish a network of teachers, support staff, officers from other agencies for wider discussion and risk management with a focus on educational outcomes.
- After consideration and consultation regarding the application, the General Manager Learning Services may:
  - refuse the application for expulsion and direct that the student re-enter the school after the period of suspension or a period of exclusion;
  - accept the recommendation for expulsion and direct that the student be enrolled in another school within the Learning Service after the period of expulsion or a period of exclusion
  - in exceptional circumstances, accept the recommendation for expulsion and direct that the student be enrolled at the Tasmanian eSchool after the period of expulsion or a period of extended exclusion
  - accept the recommendation for expulsion and direct that the principal organise a flexible educational program for the student
  - accept the recommendation for expulsion and negotiate with the principal for enrolment at a school within that Learning Service, following the period of expulsion or a period of exclusion
  - make a recommendation to the Secretary for prohibition from the government school system.
- The General Manager Learning Services must advise the parent/s of the student in writing. A copy of this letter must be provided to the principal.

Please refer to the online copy of this document (TASED-4-4798), located on the Tasmanian Department of Education’s website to ensure this version is the most recent (Version 2.0).
12. Prohibition

The Secretary is the only person with authority to prohibit the permanent attendance of a student at any Tasmanian Government school. This may not be delegated.

Prohibition must be a last resort and only imposed after all other consultative strategies have been exhausted.

Prohibition may be recommended when the student has acted in a manner which constitutes an unreasonable continued risk to the safety or wellbeing of staff or students at a government school, has acted illegally or has been found guilty of a serious criminal offence which impinges on their ability to attend a government school or is violent.

Prohibition is subject to review.

Procedure for Prohibition:

- The principal must send a letter on the school letterhead under their name and signature via registered mail to the parents of the student indicating that the student has been suspended and that prohibition from the government school system is being recommended.
- The suspension letter must:
  - State the facts and grounds for the suspension
  - Indicate that the student is suspended but that a prohibition from the government school system is being recommended.
  - Outline the specific timeframe for the initial suspension (this must not exceed 10 school days)
  - State that the parent has responsibility for supervision of the student during the suspension period.
  - Outline the prohibition process including options available for review.
  - Request a conference between the student, parent/s and staff at the school to discuss the process and the reasons for the prohibition recommendation.
- The principal must ensure a full report detailing the circumstances underlying the prohibition, is recorded appropriately as a matter of priority.
- The principal must ensure that any associated support activities are recorded appropriately.
- On the day the student is suspended the principal must write to the Secretary through the General Manager, Learning Services recommending the prohibition.
  - This recommendation must include a copy of the suspension letter, the report and any other relevant documents (e.g. accident/incident form).
- The student must continue to have an active enrolment until prohibition is approved by the Secretary.
- The General Manager Learning Services (or nominee) must provide a report to the Secretary.
  - To compile this report the General Manager Learning Services is to:
    - consult with the principal
    - provide an opportunity for the student and the student’s parent/s to be consulted
    - obtain information from other staff or relevant person as required (i.e. social worker)
    - gather any other relevant documentation.
- Upon receiving the report from the General Manager Learning Services, the Secretary may:
  - refuse the application for prohibition and direct that the student re-enter the same school after the period of suspension or period of exclusion or
  - refuse the application for prohibition and direct that the student enter an alternative school, after the period of suspension or period of exclusion or
  - prohibit the student from the government school system.
- The Secretary must inform the parent/s of the student in writing of the decision. A copy of this decision must also be provided to the General Manager Learning Services and the principal.
13. Procedure for Re-entry Following a Suspension, Exclusion, Expulsion or Prohibition

Suspension, exclusion, revocation of an expulsion and revocation of a prohibition should all follow the same process; however, strategies employed upon re-entry must be tailored to the individual, staff and school requirements.

At the end of a suspension or exclusion period or upon revocation of an expulsion or prohibition, the principal must organise a re-entry conference with the student and student’s parent/s (unless the student is an independent student).

The purpose of a re-entry conference is to ensure a mutual understanding between the student, parent/s and staff for the future direction of the student’s learning and expected behaviour and should include documented support strategies that will be employed.

This may include development of a personalised learning plan, school psychologist/social worker referral, restorative conferences, referral to external agency or support staff, risk management plan for re-entry and for future inappropriate behaviour.

14. Rights to Review

Parent/s or the student (including independent students) may appeal against an exclusion, expulsion or prohibition decision (or any part of it).

The application for appeal must ask for review and/or revocation of the behavioural consequence.

- Applications for review or revocation of an exclusion decision should be made in writing to the General Manager Learning Services using the Application for Review or Revocation of Exclusion.
- Applications for review or revocation of an expulsion decision should be made in writing to the Secretary using the Application for Review or Revocation of Expulsion
- Applications for review or revocation of a prohibition decision should be made in writing to the Secretary using the Application for Review or Revocation of Prohibition.

The General Manager Learning Services must oversee the review of exclusions. A decision on the review of a student’s exclusion must be provided to the parent (with a copy to the principal) within five school days from when the General Manager Learning Services receives the application for review. A student’s exclusion is reviewed no more than once a month.

The Secretary must oversee the review of expulsion and prohibition decisions. A decision on the review of a student’s expulsion or prohibition must be provided to the parent (with a copy to the principal) within ten school days from when the Secretary receives the application for review.

All staff should be aware that all documentation surrounding consequences for student behaviour may be obtained by the child's parent/s under the Right to Information Act 2009 or Personal Information Protection Act 2004. See Personal Information Protection and Your Right to Information Policy.

Parent/s and/or senior students have the right to appeal against the exclusion, expulsion or prohibition process (or any part of it) through the Ombudsman.

15. Roles and Responsibilities

**Meaning of "must", "is to" and "may"**

(a) the word "must" is to be construed as being mandatory; and
(b) the words "is to" and "are to" are to be construed as being directory; and
(c) the word "may" is to be construed as being discretionary or enabling, as the context requires.
### Secretary
- Delegate their authority under s 38 (2)(a) of the Act to the principal of a government school.
- Delegate their authority under ss 38 (2)(b) and (c) and ss 38(5) (except the power to grant a prohibition) of the Act to General Manager Learning Services.
- Oversee review of expulsion decisions.
- Determine and review prohibition decisions.
- Adhere to the values of learning, excellence, equity, respect and relationships when determining consequences for student behaviour.

### General Managers
- Are to ensure these procedures are adhered to by principals and teaching staff.
- Are to oversee the delegation to the Assistant Principal, when the principal is absent.
- Are to adhere to the values of learning, excellence, equity, respect and relationships when determining consequences for student behaviour.

### Principals
- Are to ensure that all processes regarding behavioural consequences are carried out to conform to these procedures, with accuracy and attention to all aspects of the process.
- Are to refuse to admit and enrol any student who has been prohibited. If the principal is unsure of the student's position, he or she should contact Learning Services.
- Are to adhere to the values of learning, excellence, equity, respect and relationships when determining consequences for student behaviour.

16. Associated Documents and Materials

The following documents are available from [www.education.tas.gov.au](http://www.education.tas.gov.au) (Search for the Doc ID)

- **Enrolment and Attendance Procedure** (Doc ID: TASED-4-1212)
- **Learner Wellbeing and Behaviour Policy** (Doc ID: TASED-4-1734)
- **Respectful Schools, Respectful Behaviour** (Doc ID: TASED-4-0000)
- **Schoolwide Positive Behaviour Support** ([www.education.tas.gov.au](http://www.education.tas.gov.au)) [Staff access only]
- **Personal Information Protection and Your Right to Information Policy** (Doc ID: TASED-4-1239)
- **Student Support System (SSS) User Guide** ([www.education.tas.gov.au](http://www.education.tas.gov.au)) [Staff access only]
- **Guide to placement of support materials for students in the Student Support System** ([www.education.tas.gov.au](http://www.education.tas.gov.au)) [Staff access only]
- **Application for Review or Revocation of Exclusion** (Doc ID: TASED-4-1239)
- **Application for Review or Revocation of Expulsion** (Doc ID: TASED-4-1239)
- **Application for Review or Revocation of Prohibition** (Doc ID: TASED-4-1239)
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