

Schools, like other organisations can make rules. These rules are made by the school council and should be available to you. They are often in your school diary or handbook, given out at the beginning of the year. Rules can include the type of behaviour that a school expects from its students and what the school will do if rules are broken.

### **What types of punishment cannot be included in school rules?**

**Physical punishment** is **not** allowed in government schools. Legal action may be taken against the teacher and the school if this occurs. After seeing your doctor, contact a lawyer about this.

For non-government schools, the law is not as clear. Where your parents have agreed that physical punishment can be used, it may not be against the law. Again speak to a lawyer about this.

### **Discrimination**

Teachers and other students cannot treat you unfairly because you are different to other students in a particular feature such as your age, sex, race, sexuality, disability, religion, size or physical feature. This is discrimination. Your school should take steps to prevent and stop it happening.

If you are unhappy with the action taken by your school, complain to the Equal

Opportunity Commission Victoria (EOCV). EOCV provides an impartial, confidential and free service for complaints about discrimination. Contact them at: Level 3/380 Lonsdale Street, Melbourne 3000, or [www.eoc.vic.gov.au](http://www.eoc.vic.gov.au) Phone 9281 7100 or 1800 134 142

### **Humiliation**

Teachers can criticise your work and should do so constructively. However they should not criticise you personally, or punish you by teasing or humiliating you, in particular in front of other students.

Under international law, the school should only discipline you in a way that respects your human dignity. In some circumstances, the Human Rights and Equal Opportunity Commission may take action on your behalf if this occurs. Phone 1300 656 419. Also try [www.hreoc.gov.au](http://www.hreoc.gov.au)

### **More information or advice?**

Action in a more formal Court process may be appropriate in some cases. For free legal advice about your particular situation, speak to a lawyer at your local community legal centre. For your nearest centre, phone 9602 4949.

The research and preparation of this pamphlet was done by Fenny Muladi, student volunteer at North Melb Legal Service, under supervision of staff. It is of a general nature only and is not a substitute for professional legal advice. You should not act on the basis of any information contained here without first obtaining legal advice about your specific situation. North Melb Legal Service disclaims any liability to any person in respect of any action taken or not taken in reliance on the contents of this publication.

# **School Rules, Discipline and Punishment Your Rights**



Published by Just Law, the State-wide Young People's Legal Service at North Melbourne Legal Service  
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Phone 9328 1885 or 1800 680 100  
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**City of MELBOURNE**

### **What types of punishments can schools include in their rules?**

- Additional homework
- Taking away privileges

Schools can stop you going to school organised social, sport or cultural activities outside schools hours. But you cannot be stopped from going on field trips that are part of your education or to annual award nights. Nor can schools keep reports from you or refuse you learning materials.

- Time out from class

If you have been disruptive in class, you may be sent out of the classroom or to the principal's office for a fixed period of time. You should be supervised and given schoolwork to do.

- Detention

The school can require you to stay back after class or during lunch hours for a "reasonable" time. What is reasonable should be outlined in school rules and should allow for particular circumstances to be taken into account.

Your parents consent must be obtained in order to keep you after school hours. If holding you after-school hours will cause undue hardship, schools should negotiate other disciplinary measures.

### **What if I am not happy with the type of punishment given by my school?**

Schools should have a process of dealing with your complaint within the school. The first step is usually bringing your complaint

to the attention of the school principal. It is best to do this in writing.

### **The local or internal school complaints resolution procedures?**

Upon receiving a complaint, the principal should decide if the complaint requires the use of a formal or an informal process.

Informal processes may involve a conference between the parties, or the principal talking to the parties individually. This will not be well documented and you will probably not get a written response.

Where informal resolution is unsuccessful, the complainants may pursue the matter implementing the formal process. The formal process requires the principal to:

1. Investigate the complaints
  2. Determine appropriate actions
- Depending on the substance of the cases and the evidence available, the principal may dismiss the complaint or accept the complaint and use a process of *conciliation* to try and resolve differences.
3. Prepare a final report
  4. Monitor the situation

The report should be confidential and include a summary of the procedure undertaken, timelines and the outcome.

The principal should ensure that any agreement reached is acted upon and that or actions that parties agree to do are done within the agreed time.

In both the formal and informal processes, the principal must ensure:

- Fairness. The complaint must be dealt with in a way which is procedurally and substantively fair, giving each party a chance to present their story.
- Confidentiality. The complaint must be managed confidentially, including all discussions and documentation.
- Protection from victimization. Victimization occurs when a party is threatened or suffers because of their involvement in a complaints process. The school should take reasonable precautions to prevent this.

### **What if I am not happy with the way the school has handled my complaint?**

If you are at a government school and are not happy with the outcome of the school's internal process or the way the complaint was handled by the school, you can speak to the Victorian Ombudsman.

The Ombudsman is independent of the school and government and free. The Ombudsman can investigate your complaint and recommend that different action be taken. Complaints should be made in writing, including all relevant facts and correspondence, to:

22<sup>nd</sup> Floor, 459 Collins Street, Melbourne 3000. Phone 9613 6222 or 1800 806 314 or try [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au).