



Your Rights at School - Suspensions

PRIVATE SCHOOLS

What can I do if I am suspended from a private or non-government school?

Independent schools have greater freedom in excluding students as they are not regulated by the government.

Make sure you get a copy of school's disciplinary procedures. The school may have an internal procedure for challenging exclusion.

Is there anything else I can do?

You might be able to challenge your suspension or expulsion in court. The law in this area is unclear, but if you weren't allowed to tell your side of the story or if you were suspended or expelled for something very minor you might like to talk to a lawyer to see if you can challenge the exclusion. If you think you were expelled or suspended because of your gender, race/nationality, religious or political belief, disability or some other characteristics you may be able to challenge your exclusion through the Equal Opportunity Commission Victoria or the Human Rights and Equal Opportunity Commission on the ground that you were discriminated against. It may be a good idea to get help from a lawyer.

GOVERNMENT OR STATE SCHOOLS

Can I be thrown out of a state school?

Yes, you can be excluded for a short period of time (suspended) or permanently (expelled).

What kind of behaviour can get me suspended?

You can be suspended if, while you are in school, travelling to or from school or taking part in a school activity you:

- Create a danger to the health of people at school such as bringing weapons to school.
- Use serious violence against other people.
- Seriously damage property.
- Steal or help others steal.
- Involve yourself with drugs such as if you sell, use or bring drugs to school.
- Disobey clear and reasonable instruction from teachers or from the principal.
- Disturb order in the school or prevent others from learning or taking part in school life.
- Discriminate against or harass other people. This means treating people unfairly because of their sex, race, religion, disability, size, sexuality or some other feature.

If you are 15 or older you can also get suspended if you deliberately and regularly do things like skip classes or don't do any work.

Young Peoples Legal Rights Centre
Inc No A0041616E
ABN 12 794 935 230

www.youthlaw.asn.au

Tel 9611 2412 Fax 9620 3622 Email info@youthlaw.asn.au
At Frontyard, 19 King Street, Melbourne VIC 3000

What must the school do before suspending me?

The school principal should allow you to explain your actions. The principal should also meet with your parent(s) or guardian to talk about your behaviour and explain what happens if you are suspended.

The principal should also consider all other options for penalties before you are suspended. Your parents can bring another person to the meeting but only if the principal allows it and only if that person is not getting paid for it.

What if my parents don't speak English?

If your parents ask for an interpreter one must be provided for the meeting.

Can I be suspended immediately?

Yes. If the principal thinks that you have to be suspended urgently you can be suspended immediately, without a conference with your parent(s).

How long can I be suspended for?

You cannot be suspended for more than 10 school days at a time. You also cannot be suspended for more than 20 school days in one school year.

You can be suspended up to a further ten days if the principal is deciding to expel you, however.

What happens while I'm suspended?

If you are suspended for 10 school days or a total of 20 school days in the year the principal must hold a meeting with the people involved - usually you, your parent(s) and your teacher(s). If you are suspended for less than 10 days your parent(s) can still ask for the meeting.

What if I don't agree with the suspension?

You and your parents can write to the School Council, Director of School Education and the Ombudsman, outlining why you do not agree with the suspension or the process that was used. The Ombudsman is independent of government and can investigate decisions made by government schools or officials. The Ombudsman can recommend that different action be taken. You should make a written complaint. Include all details and any written correspondence.

What about school work?

Whilst you are suspended, the school must give you appropriate school work, if you ask for it.

USEFUL CONTACTS

Community Legal Centres

For free legal advice, contact your local community legal centre.

For details of your nearest centre call 9654 2204 or consult www.communitylaw.org.au.

For legal information on the web and email advice for young people, try: www.lawstuff.org.au

Equal Opportunity Commission Victoria

Level 3/380 Lonsdale Street, Melbourne 3000

Phone 9281 7100 or 1800 134 142

www.eoc.vic.gov.au

The Ombudsman

Level 3/459 Collins St (South Tower), Melbourne 3000

Phone 9613 6222 or 1800 806 314

www.ombudsman.vic.gov.au

Department of Education, Employment and Training

Phone 9637 2222 or 1800 809 834

www.sofweb.vic.edu.au

www.deet.vic.gov.au