School policy

**EXPULSIONS**

Schools must comply with relevant legislation and required procedures for expulsion, supported transition and expulsion appeals.

**BACKGROUND**

Ministerial Order 1125 took effect on 16 July 2018. The Order defines the grounds and process for suspensions, expulsions and appeals relating to expulsions of students in Victorian government schools. The Ministerial Order must be complied with in a manner which is consistent with the Charter of Human Rights and Responsibilities Act 2006.

**POLICY**

On rare occasions, an individual student's behaviour may compromise the health, safety and wellbeing of other students and staff at the school. When a behavioural incident(s) is of such magnitude that an expulsion is considered, it is important that a transparent, fair and supportive process is in place, with appropriate checks and balances at each stage.

The [Expulsion Policy for Victorian Government Schools (pdf - 1.06mb)](https://www.education.vic.gov.au/Documents/school/teachers/studentmanagement/ExpulsionpolicyforPrincipals%28PDF%29.pdf) reflects the requirements set out in Ministerial Order 1125, and comes into effect on the same date as the Order. The Policy has been developed to support and guide principals to meet their obligations when they are considering expelling a student.

Only principals have authority to make the decision to expel a student. This authority cannot be delegated. Principals must not expel a student who is aged 8 years or less without the Secretary’s approval.

Detailed requirements exist for the expulsion process and it is important that principals refer to the full expulsion process for details.

**WHEN AN EXPULSION MAY OCCUR**

A principal may expel a student from the school if, whilst attending school, travelling to and from school or engaging in any school related activity away from school (including when travelling to or from that activity) the student:

* behaves in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person
* causes significant damage to or destruction of property
* commits or attempts to commit or is knowingly involved in the theft of property
* possesses, uses or sells or deliberately assists another person to possess, use or sell illicit substances or weapons
* 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
* 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
* consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student.

The student's behaviour must be of such a magnitude that having regard to the need of the student to receive an education; to maintain the health, safety and wellbeing of other students and staff at the school; and to maintain the effectiveness of the school's educational programs, expulsion is considered the only available mechanism.

**INTERVENTION AND SUPPORTS**

It is critical that interventions and supports have been implemented to address behaviours of concern prior to making an expulsion decision. An expulsion can be overturned if this has not happened, or is not thoroughly documented. Students may only be expelled after a thorough investigation of the incident/s has been conducted.

The local Area Team and regional office will work with the principal to identify a new setting and implement a transition plan for the student.

**NOTIFICATION OF EXPULSION**

Principals must notify the Regional Director when an expulsion is being considered for:

* an Aboriginal or Torres Strait Islander student
* a student with a disability who is eligible to receive support under the Program for Students with Disabilities, or
* a student in out-of-home care.

Principals must notify the Department’s International Education Division if the student is from overseas.

**EXPULSION APPEALS**

In keeping with principles of procedural fairness and natural justice, a decision to expel a student from a Victorian government school can be appealed by the student or their parent/carer. Principals must provide the student and their parent/carer with copy of the Expulsion Appeal Form for their consideration.

An expulsion can be appealed on the following grounds:

* a student has a history of behavioural issues, and there is insufficient evidence of prior interventions designed to address the behaviour and support the student
* the grounds on which the student was expelled are considered unfair
* the expulsion process was not followed by the principal
* other extenuating circumstances.

For more information on the expulsion appeal process see: [Expulsion Appeal](https://www.education.vic.gov.au/school/teachers/behaviour/suspension-expulsion/Pages/expulsionappeal.aspx)

In rare circumstances where an expulsion is overturned on appeal and the principal holds significant ongoing concerns for the students at the school, a principal may refer the matter to the Student Safety and Wellbeing Expert Panel. For more information on the Expert Panel, see: [Student Safety and Wellbeing Expert Panel](https://www.education.vic.gov.au/school/teachers/behaviour/suspension-expulsion/Pages/expulsionappeal.aspx#link27)

**RELATED POLICIES**

* [Policy Requirements and Development](https://www.education.vic.gov.au/school/principals/spag/participation/Pages/policydev.aspx)
* [Student Support Groups](https://www.education.vic.gov.au/school/principals/spag/participation/Pages/supportgroups.aspx)
* [Detention](https://www.education.vic.gov.au/school/principals/spag/participation/Pages/detention.aspx)
* [Suspensions](https://www.education.vic.gov.au/school/principals/spag/participation/Pages/suspensions.aspx)

**RELATED LEGISLATION**

* Education and Training Reform Act 2006
* Information Privacy Act 2000
* [Ministerial Order 1125 - Procedures for Suspension and Expulsion of Students in Government Schools (pdf - 711.56kb)](https://www.education.vic.gov.au/Documents/school/teachers/studentmanagement/MinisterialOrder1125SIGNED.PDF)

**DEPARTMENT RESOURCES**

* For checklists and reporting templates, see: Information for Schools: [Resources](https://edugate.eduweb.vic.gov.au/sites/i/pages/production.aspx#/app/content/3036/support_and_service_%28schools%29%252Fstudent_safety_and_support%252Fbehaviour_and_discipline%252Fexpulsion)
* For more information on the process and obligations under Ministerial Order 1125, see: [Expulsion Process](https://www.education.vic.gov.au/school/teachers/behaviour/suspension-expulsion/Pages/expulsionprocess.aspx)
* [Student Engagement](https://www.education.vic.gov.au/school/teachers/studentmanagement/Pages/expired/studentengagementguidance.aspx) - for information on student engagement, mentoring, support for disengaged students, and creating safe and respectful communities.
* [Conflict resolution](https://edugate.eduweb.vic.gov.au/sites/i/pages/production.aspx#/app/content/3041/support_and_service_%28schools%29%252Fstudent_safety_and_support%252Fdisengaged_and_at-risk_students%252Fconflict_resolution_in_schools) – for information on conflict resolution concepts and techniques, when to use them, best practice for engaging in conflict resolution and supports.