



EDUCATION - STATE SCHOOL SUSPENSIONS

This sheet is intended to provide **general legal** information about the law in Queensland. It is not legal advice.

If you have a particular legal problem you should contact a solicitor for legal advice. At the end is a list of agencies that might be able to assist you, including legal agencies.

When can I be suspended?

The principal is not allowed to ask you to leave school unless he/she has suspended or excluded you. Suspension or exclusion should only be used after other ways of addressing the problem have been tried for example, a discipline improvement plan. Any student in any grade can be suspended or excluded.

You can be suspended from a state school for:

- disobedience (not doing what the teacher, staff member or principal asks you to do)
- misbehaviour
- conduct that the school thinks affects other students or is harmful to the proper running of the school (being disruptive in class, damaging school property or fighting in the playground)
- being a risk to other students or staff
- being **charged** by police with any offence (for some minor offences such as public nuisance you can only be suspended if the principal thinks it would not be in the best interests of other students or staff for you to be at school). It doesn't matter whether the charge has anything to do with the school or if it happened outside of school hours or even that it did not happen in Queensland.

You cannot be suspended from school for not complying with the school dress code but you can be disciplined in another way such as not being allowed to engage in a certain school activity.

How long can I be suspended for?

You can be suspended from school by the principal for **either 1 - 10 days** or for **10 - 20 days**. If you are suspended because you have been charged with an offence, then you are suspended **until** the court has decided your case. The principal can decide to lift the suspension, even though the court has not decided your case, if you can show the principal that you being at school would not be harmful to the staff or other students.

Who decides to suspend me?

It is up to the principal to decide whether to suspend you and for how long. Generally - the more serious the alleged misbehaviour, the longer the suspension. The principal has to follow a process before they can suspend you, including giving you a chance to speak for yourself.

When does the suspension start?

Suspension starts when you are told by the principal. As soon as practical the principal has to give you a form which says you have been suspended.

If you are suspended for **10 - 20 days or because you were charged with an offence** the form must also tell you that you have the right to have the decision to suspend you reviewed (get the head of Education Queensland, the Chief Executive, to look at the matter).

Do I have to do school work while I am suspended?

If you are suspended the principal must arrange for you to continue with your education during the suspension. This can mean doing anything that the principal thinks will help you improve your education. For example:

- an alternate learning program: a list of programs can be found on the Education Queensland website
- doing work at your school in an out of the way room supervised by a teacher's aid
- going to another school.

Can I get the decision of the principal to suspend me for 1 - 10 days changed?

The principal has the final say if you are being suspended for 1 - 10 days BUT you can make a complaint to Education Queensland about how the principal treated you or about how the decision was made if you think it was unfair. You can also make an application to the Supreme Court for Judicial Review but you should talk to a lawyer if you are considering this.

How can I get the decision of the principal to suspend me for 10 - 20 days changed?

You can ask the Chief Executive of Education Queensland to change the decision. You must write a letter to the Chief Executive and give as much information as possible about why you think the suspension is wrong or unfair. You should write the letter as soon as possible. Include all the important facts and anything else to support your case such as the names of people who will support what you say and any letters or emails. Also look at the procedures about suspension set out in the "Safe, Supportive and Disciplined School Environment Procedure" document on Education Queensland's website at www.det.qld.gov.au to see if the Principal has followed the rules. If not, you should include that information in the letter. The Chief Executive must review the decision to suspend you as soon as practical and then tell you and the Principal their decision. Contact one of the agencies under 'Who can help?' below if you want help with the letter. You can also make an application to the Supreme Court for Judicial Review but you should talk to a lawyer if you are considering this.

What can the Chief Executive decide?

The Chief Executive can decide to:

- confirm you are suspended (say the decision of the principal was right)
- vary the suspension (still suspend you but make the length of time you are suspended shorter or longer)
- cancel the suspension (say that you are not suspended)
- give you another punishment like exclusion from school (for more info see our sheet on Exclusion from State Schools).

If you have been suspended you cannot enrol at another school unless the Chief Executive allows you to.

How will I know about the Chief Executive's decision?

The Chief Executive has to tell you about his/her decision as soon as practical after they receive your letter - they may ring you and let you know the decision. You will then get the decision in writing which sets out the reasons for the decision. If you disagree with the decision you can make an application to the Supreme Court for Judicial Review but you should talk to a lawyer if you are considering this.

Who can help?

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| Youth Advocacy Centre (YAC) www.yac.net.au | 3356 1002 |
| Hub Community Legal www.communitylegal.org.au | 3372 7677 |
| YFS Legal www.yfs.org.au | 3826 1500 |
| Legal Aid Queensland www.legalaid.qld.gov.au | 1300 651 188 |
| Youth Legal Advice Hotline..... | 1800 527 527 |
| Aboriginal & Torres Strait Islander Legal Service www.atsils.org.au | 3025 3888 or 1800 012 255 (24hrs 7 days a week) |
| Queensland Civil and Administrative Tribunal www.qcat.qld.gov.au | 1300 753 228 |
| Queensland Ombudsman www.ombudsman.qld.gov.au | 1800 068 908 |
| Community Legal Centres (CLCs) see www.naclc.org.au for your nearest CLC | |
| Youth Support Co-ordinator, School Chaplain or Guidance Officer at your school. See school office. | |

This information was last reviewed and updated in February 2020. The Youth Advocacy Centre does not accept responsibility for any action or outcome as a result of anyone relying on the information provided.