



Islamic School of Canberra

Suspension, Expulsion and Exclusion Policy

1.0 Rationale

The ISC aims to ensure that fairness and justice is adhered to at all times. Procedural fairness is a basic right of all when dealing with Authorities.

The school expressly prohibits corporal punishment and does not sanction the administering of corporal punishment by non-school individuals, including parents / carers, to enforce discipline on their children whether at school or at home.

In accepting the enrolment of a student, the staff of the ISC takes on the responsibility for the care and guidance of that student.

This care and guidance is carried on in a school climate characterised by Islamic values. Such values emphasise the development of self-discipline based on justice, self-esteem and reconciliation. The wellbeing of the individual in a school remains of the utmost importance.

Given such an environment, the action of suspending or expelling a student is something that will occur on rare occasion and only after considerable assistance has been provided to the student and the family in an effort to overcome difficulties which surround that student. However, the school will exhaust all reasonable alternatives before suspending or expelling any student.

2.0 General Principles

2.1 The School makes every effort to ensure that education is a rewarding and relevant experience for all students.

2.2 Suspension and expulsion can be considered only in serious cases of unsafe behaviour or non-compliance in accordance with the amendments of Education Act 2022. The principal should use their available authority immediately if they believe that the safety of staff or students is at risk.

2.3 The principal must ensure that no student is discriminated against in terms of gender, race, religious or cultural background, socio-economic status, physical or intellectual disability.

2.4 The motivation, work and safety of other students and staff should not be jeopardised or compromised.

2.5 The principal may refuse enrolment of a student on the grounds of previously unsafe or non-compliant behaviour if there is evidence that the student has not learned the appropriate skills to manage their behaviour.

2.6 The school is to maintain records of suspension and expulsions.

2.7 Only the principal or the behaviour coordinator can suspend a student.

2.8 Only the Principal or the behaviour coordinator can expel a student.

2.9 Decisions to suspend or expel a student will be underpinned by the principles of procedural fairness. These principles require that individuals have the right to have their say and their views be heard.

2.10 Suspension and expulsion are to be considered as responses to serious offences.

A serious offence is defined as an activity or behaviour by a student which:

- seriously undermines the ethos of the school; or
- consistently breaking school rules and policies
- is offensive, non-compliant or unsafe to the physical or emotional health of any staff member, visitor or any student; or
- is offensive or dangerous when using IT within the school; or
- consistently and deliberately interferes with the educational opportunities of other students by displaying disruptive behaviour in the class

3.0 Guidelines for Suspension

Suspension means temporary withdrawal of a student's right to attendance at the school. It is a disciplinary measure which may be invoked by the principal or the behaviour coordinator, where a student's conduct and behaviour is unsafe and non-compliant and constitutes risk to other students and staff members.

3.1 In determining whether a student's misbehaviour is serious enough to warrant suspension, the principal / behaviour coordinator will consider factors including the safety and welfare of the student, staff and other students in the class or school. The length of suspension which will vary depending on the nature of the student's behaviour is at the discretion of the principal; but it will be in accordance with the guidelines of the Education Amendment Act 2022.

3.2 Suspension may not be longer than 5 days each time up to a maximum of 20 days per year. A suspension must not start immediately after another suspension ends.

3.3 Appropriate records need to be maintained and consultation undertaken with parents or caregivers in accordance with the school's behaviour policy.

3.4 In some circumstances, the principal may determine that a student should be suspended immediately. This will usually be due to a concern for the safety of students or staff because of violence, threats of violence, or the presence of weapons or illegal drugs.

3.5 Principal / behaviour coordinator must suspend immediately and consistently any student whose behaviour includes the following:

3.5.1 Possession of a suspected illegal drug.

Suspension is to occur immediately if the substance is being represented by the student as an illegal drug or on confirmation the substance is, in fact, illegal.

3.5.2 Violence or threat of serious physical violence.

Any student intentionally causing injury or threatening physical violence against another student or teacher is to be suspended immediately.

3.5.3 Possession of a prohibited weapon.

Any student possessing a prohibited weapon or using or threatening to use any item or instrument as a weapon, is to be suspended immediately. The matter must be reported to the police (see Appendix A).

3.6 The principal may also suspend, consistent with these procedures, any student whose behaviour includes:

3.6.1 Persistent noncompliance.

Students who, in their relationships with staff, are persistently noncompliant, insolent or engage in verbal harassment and abuse, may be suspended.

3.6.2 Persistent disruption.

Students who persistently disrupt and prevent the learning and teaching of others may be suspended.

3.6.2 Breach of school rules.

Students who constantly breach the school's rules and regulations may be suspended.

3.7 In circumstances other than those outlined 3.4 and 3.5 above, suspension will usually occur after the principal has:

- ensured that all appropriate and available student welfare strategies and discipline options have been applied and documented;
- ensured that all appropriate support personnel available, within the school system including counselling services.
- took reasonable steps to ensure that appropriate discussions have occurred with the student and/or parent/caregivers regarding specific misbehaviour which the school considers unsafe and noncompliant.
- provided to the student and/or parent/caregivers a formal written caution detailing these behaviours, as well as clear expectations of what is required in future;
- recorded in appropriate school files all actions taken.

3.8 Students who attend school premises without permission of the principal during periods of suspension or if they have been expelled, will be asked to leave the premises by the principal or person then in charge of the site. If they refuse to leave, police should be called (see Appendix B).

4.0 Deciding on, notifying and resolving a suspension

4.1 The principal or delegate should inform the student of the grounds on which the suspension is being considered. The student and parents must be given the opportunity to respond.

4.2 The student's response must be considered before a decision to suspend is made.

4.3 The decision to suspend must be made by the principal and / or the behaviour coordinator.

4.4 A student will not be sent out of school before the end of the school day without notification being made to a parent/caregiver and, if necessary, agreement reached about arrangements for the collection of the student from school.

4.5 Notification of suspension must be made to parents or caregivers in writing.

4.6 In all cases, the notification must include:

- Notice of the suspension and its length;
- The reasons for the suspension;
- The clear expectation that the student will continue with studies while suspended;
- The importance of parental/caregiver's assistance in resolving the matter;
- A reminder that parents/caregivers are responsible for the care and safety of the student while under suspension.

4.7 Parents/caregivers should be referred to the school's published behaviour policy and the suspension, exclusion and expulsion policy as well as school behaviour charts.

4.8 At the earliest opportunity, the principal and or the behaviour coordinator must convene a suspension resolution meeting with the student and the parents/caregivers to discuss the basis on which the suspension will be resolved.

4.9 If, despite the school's requests, parents or caregivers are unable or unwilling to attend a suspension resolution meeting, the principal or the behaviour coordinator will still go ahead with the suspension especially if the student's behaviour is unsafe and noncompliant.

5. Guidelines for expulsion

Expulsion means total withdrawal of a student's rights to attendance at the school. Expulsion is an extreme disciplinary step reserved for cases of gross misconduct, serious breaches of school rules or behaviour that is persistently disruptive, unsafe or noncompliant.

5.1 Expulsion is generally preceded by a history of previous suspensions.

5.2 Expulsion is a sanction to be applied only as a last resort and after all other measures have failed and the school has exhausted all means.

5.3 It must be preceded by ongoing consultation with the parents or caregivers concerned, the chaplain and the school counsellor.

5.4 Careful consideration must be given to the overall good of the individual student and the welfare of the school community.

5.5 No student is to be expelled from school except by the authority of the principal.

Procedures to be followed

A decision to expel can only be made by the principal after consultation with the family, counsellor, chaplain and school behaviour. When recommending expulsion, the principal must:

1. Place the student on suspension pending the outcome of the decision-making process;
2. Notify the student and the parents/caregivers that expulsion is being considered, giving reasons for the possible action.
3. Give the student and parents/caregivers reasonable notice of an opportunity to attend a formal interview with the principal to discuss the decision.
4. Provide the parents/caregivers with information on the implications of this action, their rights to an appeal to the principal and the appropriate procedure for submitting an appeal.

6. Appeal process for expulsion

Appeal must be made in writing to the principal stating the grounds on which the appeal is being

made. Appeals are made to the principal about a recommendation to expel a student. The

principal will:

- Deal with the appeal within two school weeks of its lodgement;
- Review all relevant materials; and review the grounds on which the parents are requesting to appeal the decision
- Advise all parties in writing of the outcome of the appeal and the specific reasons for reaching the decision.

Where an appeal for an expulsion is upheld, the principal will decide what further action is to be taken

The fact that an appeal has been lodged does not put on hold the principals' decision to suspend with a recommendation to expel from the school.

Amendment of Education ACT 2022

Sometimes students display an unacceptable, unsafe or noncompliant behaviour. Unsafe or noncompliant behaviour means:

(1) if the behaviour reduces the safety or effectiveness of the learning environment at the school because it:

- (a) is persistently or disruptively noncompliant; or
- (b) poses an unacceptable risk to the safety or wellbeing of:
 - (i) another student at the school; or
 - (ii) a member of staff of the school; or
 - (iii) someone else involved in the school's operation.

(2) To remove any doubt, a student's behaviour may be unsafe or noncompliant even if the behaviour does not happen on school premises or during school hours. For example using social media outside school hours to encourage violence against a student at school the next day.

Exhausting all reasonable alternatives

The school will exhaust all reasonable alternatives before making a decision in relation to a student at a school, the school must:

- (a) before making a decision to transfer or expel a student—be satisfied that suspending the student would not be effective or suitable; and
- (b) be satisfied that no other reasonable alternative is likely to be suitable or successful for managing the student's unsafe or noncompliant behaviour.

Communicating with students and parents

(1) This applies if the school is required to tell a student, or give their parents written notice, about a decision or proposed decision regarding their behaviour.

- (2) The person must apply natural justice and procedural fairness and, in particular, must:
- (a) ensure the student and their parents are given sufficient information about the decision-making process, in a language and way that the student and their parents can understand, to allow the student and their parents to effectively take part in the decision-making process and have their views heard; and
 - (b) ensure the student has a parent, or someone else chosen by the student, present when taking part in the decision-making process

Notification not required in certain circumstances

(1) This applies if the principal or the designated person is required to give a written notice to a parent of a student:

- (2) The written notice need not be given if the principal or the designated person is satisfied that:
- (a) it would not be in the best interests of the student to give the notice; or example a court order prevents contact between a student and their parent
 - (b) it is not possible or reasonably practicable in the circumstances to give the notice.

Example

despite reasonable efforts, contact details for a parent cannot be found

- (3) If the student is an adult, the written notice:
- (a) need not be given to a parent of the student; and
 - (b) must be given to the student.

Suspension to ensure safe and effective learning environment

The principal or the designated person may suspend a student at the school only for the purpose of ensuring a safe and effective learning environment at the school.

1. The school may suspend a student if satisfied:

- (a) the student has engaged in unsafe or noncompliant behaviour; and
- (b) the school has exhausted all reasonable alternatives to suspending the student; and
- (c) it is reasonable to suspend the student considering all the circumstances, including any views of the student and their parents about the proposed suspension.
- (d) for an independent school—the school has complied with the requirements for involving the student and their parents in the decision-making process

Suspension—notice

If the school suspends a student, the principal or the designated person must:

- (a) tell the student, and give their parents written notice (a suspension notice), about the suspension, including:
 - (i) the grounds for the suspension; and
 - (ii) the length of the suspension; and
 - (iii) how the school intends to support the student to continue their education during the suspension; and

Suspension—length

(1) A suspension of a student should not exceed 5 days in any one incident. The total suspension of a student is for the period, not longer than 20 school days, to ensure a safe and effective learning environment at the school.

(2) A suspension:

- (a) begins on the later of the following:
 - (i) the day the decision-maker gives a suspension notice to the student's parents;
 - (ii) the day stated in the suspension notice; and
- (b) ends on the earlier of the following:
 - (i) the end day stated in the suspension notice;
 - (ii) 20 school days after the suspension begins.

(3) A suspension must not start immediately after another suspension ends.

Suspension—student's education and counselling

(1) If a student at a school is suspended, the principal of the school must ensure the student is given the materials and support needed to continue their education during the period of suspension.

(2) If a student at a school is suspended for a total of 7 or more school days in a school term (consecutively or otherwise), the principal of the school must ensure that the student is given a reasonable opportunity to attend counselling.

Suspension—review of student's circumstances

(1) If a student at a school is suspended, the principal of the school must:

- (a) review any reasonable adjustments in place for the student, including reviewing the way an adjustment is implemented; and
- (b) make any reasonable adjustments the principal considers would support the student, including changing the way an adjustment is implemented

Expulsion

(1) The principal or a designated person may expel a student at the school if satisfied:

- (a) the student has engaged in unsafe or noncompliant behaviour; and
- (b) the school has exhausted all reasonable alternatives to expelling the student; and
- (c) it is not in the best interests of one or more of the following for the student to remain at the school:
 - (i) the student;
 - (ii) another student;
 - (iii) a member of staff of the school; and
- (d) it is reasonable to expel the student considering all the circumstances, including any views of the student and their parents about the proposed expulsion.

Expulsion notice

If the principal or a designated person expels a student, the decision-maker must:

- (1) tell the student, and give their parents a written notice, about the expulsion, including:
 - (a) the grounds for the expulsion, including details of the student's unsafe or noncompliant behaviour
 - (b) the day the expulsion takes effect; and

- (c) the grounds for the expulsion, including details of:
- (i) the student's unsafe or noncompliant behaviour; and
 - (ii) how they have exhausted reasonable alternatives to expelling the student;
 - (iii) the steps taken to involve the student and their parents in the decision-making process

Expulsion—counselling

If a student is expelled, the principal of the school must ensure the student is given a reasonable opportunity to attend counselling.

APPENDIX A

1. WEAPONS PROHIBITED IN SCHOOLS

1.1 Possession of certain weapons is a criminal offence under the provisions of the Summary Offences Act, 1988

1.2 If a principal becomes aware that a student or any other person on school premises or at a school activity is in possession of firearms or knives, he or she should contact the police. The student should be suspended immediately.

1.3 Weapons can include, but are not limited to, the items listed below. This list outlines the types of weapons that should be banned from school premises:

- Firearms of any kind
- Any imitation or replica of any firearm
- Knives
- Hunting slings, catapults or slingshots
- Knuckle-dusters
- Studded gloves or sap gloves
- Blow guns or any other similar device capable of projecting a dart
- Whips of any kind
- Kung fu sticks or nunchaku
- Batons of any type
- Spear-guns
- Mace and
- Defence or anti-personnel sprays that is capable of discharging irritants in liquid, gas or powder form.

APPENDIX B

**Unauthorised entry onto school premises and persons
behaving offensively in or near school.**

The Enclosed Lands Protection Act, 1943 (ACT) and the Summary Offences Act, 1988 outline a number of offences relating to behaviour in or near school sites. Details of these offences are provided below. If persons (including school students) enter school premises without lawful authority or behave offensively in or near schools, the following procedures should be observed.

1. Unauthorised Entry

If an intruder is found on school premises, the principal or person in charge of the area should ask the person about his/her right to be on the premises. If the person does not have permission or does not give a reasonable explanation for being there, he or she should be requested to leave. If the person refuses to leave, police should be called. A record of any conversations held with the intruder should be immediately noted. Apprehension of the intruder prior to the arrival of police should not be attempted except in extreme circumstances. As well as intruders, principals may from time to time be required to prohibit the entry onto school premises of other persons who may ordinarily be considered to have a legitimate reason for being at the school. This situation may involve a parent or parents who may have limited rights in respect of their children as a result of a court order, or be in dispute with the principal or other staff at the school. Prior to taking any action to deny entry onto school premises, written confirmation of the proposed course of action should be given to the person concerned.

It is stressed that action to restrict parents or other persons who would ordinarily have a legitimate expectation that they be allowed entry to school premises should be taken only as a last resort and only after all other attempts to resolve any dispute have failed.

2. Offensive behaviour in or near a school

If the principals become aware that any person is behaving in an offensive manner in or near the school or is seemingly in breach of some other provision of the Summary Offences Act in or near a school, the police should be called immediately.

Staff and students should be encouraged to report any such incidents to the principal so that appropriate action can be taken. Under no circumstances should any attempt be made to apprehend any person reported to the police.

3. Offences on or near schools

Enclosed Lands Protection Act, 1943; Schools are "enclosed lands" within the meaning of the Act. There are 4 separate offences under the Act relevant to schools.

3.1 Entry, without lawful excuse, onto enclosed lands without the consent of the owner/occupier or person apparently in charge. Proof of lawful excuse is upon the defendant and the maximum penalty is \$500.00.

3.2 Remaining on enclosed lands after a request to leave is given by the owner/occupier or person apparently in charge of the land. Maximum penalty is \$500.00.

3.3 Remaining on enclosed lands after a request to leave is given by the owner/occupier or person apparently in charge of the land and behaving in an offensive manner. Maximum penalty is \$1000.00.

"Offensivemanner" is what a reasonable person would find offensive. It must wound the feelings, arouse anger or resentment or disgust or outrage in the mind of a reasonable person.

3.4 Giving a false name and address after being requested to provide same by the owner/occupier or person in charge of the land. Maximum penalty is \$50.00.

4. 4. Summary Offences Act, 1988

The offences relevant to schools under this Act are as follows -

4.1 Behaving in an offensive manner in, near or within view or hearing from a school. Maximum penalty \$600.00 or 3 months imprisonment.

4.2 Using offensive language in, near or within hearing from a school. Maximum penalty is \$600.00 or 3 months imprisonment.

4.3 Wilful and obscene exposure in or within view from a school. Maximum penalty \$1000.00 or 6 months imprisonment.

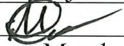
4.4 Soliciting persons for prostitution in a public street near or within view from a school. Maximum penalty \$600.00 or 3 months imprisonment.

4.5 Soliciting persons for prostitution in a school. Maximum penalty \$600.00 or 3 month's imprisonment.

4.6 Taking part in an act of prostitution in or within view from a school. Maximum penalty \$100.00 or 6 months imprisonment

References

Amendment of Education Act 2004 2022

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