Disclaimer: The material in this fact sheet is intended as a general guide only. You should not act on the basis of this information in this fact sheet without first getting legal advice about your own particular situation. The information provided is based on the laws of Victoria as at June 2023.

Government or State schools

Can I be suspended from a state school?

Yes, you can be suspended from a state school, which means you are excluded from school for a short period of time. Only the principal has the power to suspend you.

What can I get suspended for?

You can get suspended if you do any of the following things at school, on your way to or from school or at a school-related activity:

- Behave in a dangerous or threatening way towards others.
- Damage or destroy property.
- Steal or attempt to steal things, or help someone to do so.
- Carry, use or sell illegal drugs or weapons or help someone to do so.
- Discriminate against or degrade others based on difference, such as gender, disability, sexuality or physical features.
- Being unproductive in a way that interferes with the wellbeing, safety and education of others.

What happens if the school wants to suspend me?

Before the principal suspends you, they must give you the opportunity to respond. They must also take into account any information or documents you or your parent/guardian give them. They must consider if there is any other way to address your behaviour.

What happens once the school decides to suspend me?

The principal will tell you and your ‘relevant person’ that you are suspended by phone or in person. The principal must also give you and your ‘relevant person’ a Notice of Suspension and a copy of a brochure called ‘Procedures for Suspension’.

Who is a ‘relevant person’?

If the principal thinks you are mature enough to decide, you can choose an adult you want to be notified of your suspension as your relevant person. If the principal does not think you are mature enough to decide, they will notify your parents as your relevant person.

If you do not live with your parents, either by court order or just informally, the principal can notify another adult you live with and who cares for you as your relevant person. If there is no parent or other adult available, the principal must

© Youthlaw Young People’s Legal Rights Centre Inc. 147-155 Pelham Street, Carlton

notify a person nominated by the Department of Education and Training (the Education Department) as your relevant person.

How do I know why I'm suspended and how long I'm suspended for?

The Notice of Suspension will state the reasons why you were suspended and the dates your suspension starts and ends.

How long can I be suspended for?

You can be suspended for up to five days at a time, unless the Regional Director of the Education Department gives the school permission to suspend you for longer. You cannot be suspended for more than 15 school days in a school year, unless the school gets permission from the Regional Director.

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

If you are suspended for less than three days, the school has to provide 'meaningful work' for you to do while you are suspended. If you are suspended for more than three days, the school has to write up a Student Absence Learning Plan and a Return to School Plan. The school must give you and your relevant person a copy of the plans.

What if I disagree with the suspension or I have a complaint about the school?

If you're not happy about a government school's decision or the conduct of school staff, you can contact the Victorian Ombudsman. The Ombudsman is independent of government and can investigate government schools or officials.

The Ombudsman can recommend that different action be taken. For more information about making a complaint, contact Youthlaw or go to the Ombudsman home page at: https://www.ombudsman.vic.gov.au/

Private schools

Can I be suspended from a private school?

Yes, you can be excluded for a short period of time (suspended) from a private school. Each private school may have different rules or procedures for suspensions.

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

Independent schools have greater freedom to suspend students as they are not regulated by the government. Make sure you get a copy of the school's disciplinary procedures. The school may have an internal procedure for challenging a suspension.

For more information, contact:

Independent Schools Victoria
Tel: (03) 9825 7200

© Youthlaw Young People's Legal Rights Centre Inc. 147-155 Pelham Street, Carlton
T: 03 9113 9500 F: 03 9620 3622 info@youthlaw.asn.au

www.is.vic.edu.au

Taking legal action

If you are suspended from a state school or from a private school, you may be able to take legal action if:

- you weren't allowed to tell your side of the story;
- you were suspended for something very minor; or
- you were suspended because of your gender, race, nationality, sexuality, religious or political belief, disability or other reason that amounts to unlawful discrimination.

Strict time limits may apply so you should seek legal advice as soon as possible.

Contacting Youthlaw

If you are a young person up to age 25, you can contact Youthlaw for further information and advice.

Phone: (03) 9113 9500

Email: info@youthlaw.asn.au

Web: www.youthlaw.asn.au

Further Support for Parents

We are unable to assist parents. We can provide information to young people but can't provide representation. We recommend parents contact Parents Victoria for advice and advocacy. They are a very good advocacy service for parents of state (public) school children.

Parents Victoria (for state schools)

www.parentsvictoria.asn.au

Tel: (03) 9380 2158 or 1800 032 023

© Youthlaw Young People's Legal Rights Centre Inc. 147-155 Pelham Street, Carlton
T: 03 9113 9500 F: 03 9620 3622 info@youthlaw.asn.au