Student Full Name

C/o Mr/Mrs/Ms/Miss Parent Full Name

Address Line 1

SUBURB QLD 4XXX

Dear Student First Name

**RE: DECISION – SUSPENSION FROM SCHOOL NAME**

On day month year Mr/Mrs/Ms/Miss Principal Full Name, Principal of School Name referred the decision about your suspension from School Name to me for a decision.

In accordance with sections 281 and 290 of the *Education (General Provisions) Act 200*6 (the Act), I have considered your proposed suspension from School Name. My final decision and reasons for my decision are set out below.

**My decision**

I have considered your behaviour and I have decided to **suspend** you from School Name for ## school days.*Note that this cannot be longer than the period as stated in the proposed suspension notice.* I have made this decision in accordance with sections 281 and 290 of the Act*.* The impact of my decision is that you may return to school on day month year.

In reaching this decision I have given proper consideration to relevant human rights, including your right to education, and consider that my decision is compatible with human rights.

Your suspension started on day month year when you were told about the suspension. You must not attend any state school or school activity for the length of your suspension. During the suspension your parent is responsible for you.

**Grounds**

I have suspended you because I am reasonably satisfied that your behaviour constitutes a ground for suspension, namely:

* disobedience (section 282(1)(a))
* misbehaviour (section 282(1)(b))
* conduct that adversely affects, or is likely to adversely affect, other students (section 282(1)(c))
* conduct that adversely affects, or is likely to adversely affect, the good order and management of the school (section 282(1)(d))
* your attendance at the school poses an unacceptable risk to the safety or wellbeing of other students or staff (section 282(1)(e))

**Material facts, evidence and other material**

I have listed the evidence and other material I used in making my decision in **Attachment 1**.

I have outlined your individual circumstances and listed the material facts relied on to make this decision in **Attachment 2**.

You were previously provided with copies of these documents. You have been given the opportunity to consider the relevant evidence, discuss the allegations and respond to them.

**Reasons for my decision**

* I am satisfied that on date you engaged in conduct that amounts to insert relevant ground(s) from list above.
* I am satisfied that suspension is adequate to deal with your disobedience, misbehaviour, conduct or risk and that the period of suspension is appropriate because of:
	+ the nature of your conduct on date; and
	+ your behavioural history while enrolled at School Name.
* Accordingly, it is appropriate that I suspend you from School Name.

**Your future education**

Mr/Mrs/Ms/Miss Case Manager Full Name has been assigned as your case manager to assist and support you to access an educational program while you are suspended. I encourage you to contact Mr/Mrs/Ms/Miss Case Manager Surname on (07) #### ####.

**Additional paragraph for 11–20 day suspensions**

**Making a submission**

If you believe that you should not have been suspended, you, your parent or someone else with your permission, can write to the Director-General of the Department of Education to explain why you believe you should not have been suspended and my decision will be reviewed by the Director-General or their delegate. This is called making a submission. For information about how to make a submission, refer to the *Guide to making a submission* (**Attachment 2**).

**Questions about this decision**

**Additional paragraph for 1–10 day suspensions**

There is no right of internal review for 1–10 day suspension decisions under the Act. However, if you feel that the Department of Education’s processes for making this decision have not been complied with you may make a complaint in accordance with the Queensland Government’s process ([www.qld.gov.au/education/schools/information/contact/complaint](http://www.qld.gov.au/education/schools/information/contact/complaint)).

You also have the right to raise any concerns about my decision making with the Queensland Ombudsman if you are dissatisfied with the Department of Education’s response ([www.ombudsman.qld.gov.au/how-to-complain/make-a-complaint/make-a-complaint](http://www.ombudsman.qld.gov.au/how-to-complain/make-a-complaint/make-a-complaint)).

If you need help to understand the reasons for the decision, please ask your parent or case manager to discuss this with you.

Yours sincerely

**FULL NAME**

**Director-General or Delegate**

 / /

Ref: ##/######

Enc: Attachment 1: Evidence and other material supporting the decision

 Attachment 2: Individual circumstances and material facts

 Attachment 3: Guide to making a submission

**Attachment 1: Evidence and other material supporting the decision**

**Evidence or other material supporting the facts**

* Chapter 12, Part 2, Division 3 of the *Education (General Provisions) Act 2006* (the Act).
* *Human Rights Act 2019* (Qld).
* Departmental procedure: *Student discipline.*
* School Name’s *Student Code of Conduct.*
* Your *OneSchool Enrolment History.*
* Your *OneSchool Student Profile* dated date in full to date in full.
* Notification of *Proposed suspension* *from School Name*, dated day month year.
* Statements of Students A and B dated XXX.
* Statement of Staff Member A dated XXX.
* Your own statement dated XXX.
* CCTV/film footage taken on XXXX by a camera overlooking the entrance to class room XXX.
* All other relevant materials – e.g. Screenshots of social media contacts, letters, reports, notes of contact with police etc.
* Additional information from your mother/father/parents/guardian dated date in full, including ###.

This information was previously provided to you and you were also given the opportunity to provide any additional relevant information for my consideration. No response has been received. **OR** The subsequent response has been included along with the materials for my consideration as listed above.

**Attachment 2: Individual circumstances and material facts**

**Your Individual Circumstances**

* You are age years old and enrolled at School Name on date.
* You are currently in Year year.
* Your *OneSchool Student Enrolment Profile* indicates the following (list as recorded on OneSchool):
* Medical Conditions *(List all recorded conditions, examples below)*:
* Attention Deficit Hyperactivity Disorder;
* Dysgraphia; and
* Asthma.
* Personalised Learning *(List all recorded items, example below)*:
* DDA Disability:Nationally Consistent Collection of Data (NCCD) disability record under the category of *Cognitive* requiring a *Supplementary* level of adjustment to access and participate in your education.
* Support Provisions *(List current recorded strategies and/or plans, examples below)*:
* Targeted Support (Humanities), Semester X, start date (date in full) to end date (date in full);
* Numeracy Intervention from start date (date in full) to end date (date in full); and

Risk Management Plan, dated date in full.

**Material facts relied on to make the decision**

* On date in full school staff became aware of incident because of reason. An investigation was conducted and you, # students and # staff members were spoken to about the incident and provided statements.
* Your signed statement dated date in full, states that you admit ###.
* The signed statement of Student A dated date in full, states that ###.
* The signed statement of Student B dated date in full, states that ###.
* Footage from a CCTV camera at location, shows that ###.
* Based on the evidence outlined above, I am satisfied, on the balance of probabilities, that on date at time you:
	+ Set out here the school staff member’s (other than the principal) findings about the student’s behaviour – what did the student do from the school staff member’s perspective. This is the **school staff member’s version of events** based on the evidence. It will need to reconcile the evidence in statements and set out what the principal is satisfied happened.
* Your behaviour on date in full, namely ##, constitutes a breach of the School Name *Student Code of Conduct (SCOC)* because reasons.
* The School Name *SCOC* states that ## may be an outcome for ##.
* Insert here a discussion of the student’s full behavioural history – at this school and others – split it into serious matters and less serious matters – highlight suspensions and particular behaviour of note (e.g. similar behaviours, sexualised behaviour/violent behaviour in the past) – particularised by date and location.
* Insert here information about the student’s disability diagnosis (if any) and the full supports the school has put in place to support the student and to deal with their behavioural issues – has the student had a FBA done? Are there individualised plans? etc.
* Insert here general behavioural supports if disability in and of itself is not an issue.
* Insert here information about the individual circumstances of the student that may explain or mitigate the student’s behaviour (e.g. relevant family issues, the student being in care etc.) and how these circumstances have been considered.
* Given the nature of your conduct on date and your behavioural history while enrolled at the school, I am satisfied that suspension is adequate to deal with your disobedience, misbehaviour, conduct or risk and that the period of suspension is appropriate because of:
	+ the nature of your conduct on date; and
	+ your behavioural history while enrolled at School Name.
* Accordingly, it is appropriate that I suspend you from School Name.

**Attachment 3: Guide to making a submission**

***When should I use this guide?***

You should use this guide when you want to make an appeal submission against the following:

* Long term (11-20 days) suspension (Chapter 12 Division 2 of the *Education (General Provisions) Act 2006* (the Act)
* Charge-related suspension (Chapter 12 Division 2 of the Act)
* Exclusion (Chapter 12 Division 3 of the Act)
* Exclusion from certain state schools or all state schools (Chapter 12 Division 4 and 5 of the Act)
* Cancellation of enrolment (Chapter 12 Division 8 of the Act).

***Where should I send my appeal?***

The Director-General or their delegate will make a decision on your appeal submission. Your submission can be sent via post or email to the below addresses. If you have any questions about the appeal process, please contact either your case manager or the original decision maker.

**Postal address:** **Email address (for appeal submissions only)**:

Director-General Behaviour.Central@qed.qld.gov.au
Department of Education
PO Box 15033

CITY EAST QLD 4002

***When do I need to lodge my appeal?***

Appeals against long suspensions and charge-related suspensions must be lodged within **five school days** of being notified in writing of the suspension decision. Appeals against exclusions and cancellation of enrolments must be lodged within **30 school days** of being notified in writing of the decision. If you require more time to prepare an appeal, you must contact the person to whom you are sending your appeal to request more time and the Director-General will consider your request.

***Who can appeal?***

1. Students or their parents.
2. Other persons (e.g. solicitor, social worker) can help you make the submission or can prepare it on your behalf, however you must give them permission to do so and provide written authorisation with your appeal.

***If you need help***

1. If you need assistance with the appeal process or would like to make an oral appeal, you can contact your case manager whose details are in the decision notice provided by the original decision maker.
2. If you wish to obtain further details about the basis for the original decision, please contact the decision maker.

***What should I include in my appeal?***

In your appeal, you should state the **reasons** why you think the decision is unfair, outlining the **facts** that support your case. Reasons for your appeal may cover aspects such as:

1. objections to the processes undertaken (how the decision was made, investigation process etc.);
2. objections to the fact or reasons as given by the decision maker in the notification letter;
3. objections to the perceived severity of the decision; and/or
4. any new information that is relevant to the matter.

An example of a suggested format for your appeal is shown on the next page. Your appeal may have more than one page and may use any format. It is important to ensure your appeal only includes information that is relevant to the disciplinary decision.

***What happens with the information I provide?***

Any information you provide within your appeal will be collated by appropriate regional and/or central office staff for the Director-General’s consideration and final decision.

***When will I hear about my appeal?***

Appeals can take up to 40 school days to complete, as the process is very thorough and involves collecting and reviewing reports and documents from the school and family. During the course of the appeal process, you may be contacted to provide further information or be provided with further documentation to consider. This ensures natural justice is afforded and that every opportunity is provided to the student, family and school to present their case to the Director-General.

**SAMPLE APPEAL FORMAT**

**TO:** Director-General

Department of Education

**ADDRESS: Postal:** PO Box 15033

 CITY EAST QLD 4002

 **Email:** Behaviour.Central@qed.qld.gov.au

**FROM: Name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **Relationship to Student\*:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **Address:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **Phone Contact:**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **Email:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 *(\*If not a parent, written authorisation must be provided by parent and/or student.)*

**SUBJECT: Submission Against:**

🞏 Long term (11-20 days) Suspension (Chapter 12 Division 2 of the Act)

 🞏 Charge-related suspension (Chapter 12 Division 2 of the Act)

🞏 Exclusion (Chapter 12 Division 3 of the Act)

🞏 Exclusion from certain state schools or all state schools (Chapter 12 Division 4 and 5 of the Act)

🞏 Cancellation of Enrolment (Chapter 12 Division 8 of the Act)

|  |
| --- |
| **DETAILS OF ORIGINAL DECISION:****Decision Maker: Name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Position:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **School:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Date of Decision:** \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ |

|  |
| --- |
| **STUDENT DETAILS:****Name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Last School Attended:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**Reasons for your submission (must be relevant to the current matter):**

**Other information and facts in support of the submission about the matter:**

**Signature of person making the submission**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Date**: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Mr/Mrs/Ms/Miss Parent Full Name

# Street

SUBURB QLD 4###

Dear Mr/Mrs/Ms/Miss Parent Surname

**RE: DECISION – SUSPENSION OF STUDENT FULL NAME FROM school NAME**

Please find attached a copy of the letter sent to Student Full Name.

I have decided to **suspend** Student First Name from School Name for ## school days. Student First Name may not attend any state school or any school activity while suspended. You are responsible for Student First Name during the period of suspension.

I have made this decision in accordance with section 281 and 290 of the *Education (General Provisions) Act 2006.* The reasons for my decision are outlined in the letter to Student First Name, including information about how to make a submission against this decision and provisions for their education during the suspension.

Mr/Mrs/Ms/Miss Case Manager Full Name # Region has been assigned as regional case manager to assist and support Student First Name to access an educational program. I encourage you to contact Mr/Mrs/Ms/Miss Case Manager Surname on (07) #### ####.

If you wish to discuss my decision you may like to contact Regional Director Full Name, Regional Director, ### Region on (07) #### ####.

Yours sincerely

**FULL NAME**

**Director-General or Delegate**

 / /

Ref: ##/######

Enc: Copy of notification letter sent to student

Mr/Mrs/Ms/Miss Principal Full Name

Executive Principal/Principal

School Name

PO BOX ####

SUBURB QLD 4###

Dear Mr/Mrs/Ms/Miss Principal Surname

**RE: DECISION – SUSPENsION OF STUDENT FULL NAME FROM school NAME**

Please find attached a copy of the letter sent to Student Full Name.

I have decided to **suspend** Student First Name from School Name for ## school days.

I have made this decision in accordance with section 281 and 290 of the *Education (General Provisions) Act 2006.* The reasons for my decision are outlined in the letter to Student First Name.

Mr/Mrs/Ms/Miss Case Manager Full Name # Region has been assigned as regional case manager to assist and support Student First Name to access an educational program. Mr/Mrs/Ms/Miss Case Manager Surname can be contacted on (07) #### ####.

Yours sincerely

**FULL NAME**

**Director-General or Delegate**

 / /

Ref: ##/######

Enc: Copy of notification letter sent to student

Mr/Mrs/Ms/Miss Regional Director Full Name

Regional Director

# Region

PO BOX ####

SUBURB QLD 4###

Dear Mr/Mrs/Ms/Miss Regional Director Surname

**RE: DECISION – Exclusion OF STUDENT FULL NAME FROM school NAME**

Please find attached a copy of the letter sent to Student Full Name.

I have decided to **suspend** Student First Name from School Name for ## school days.

I have made this decision in accordance with section 281 and 290 of the *Education (General Provisions) Act 2006.* The reasons for my decision are outlined in the letter to Student First Name.

Mr/Mrs/Ms/Miss Case Manager Full Name # Region has been assigned as regional case manager to assist and support Student First Name to access an educational program. Mr/Mrs/Ms/Miss Case Manager Surname can be contacted on (07) #### ####.

Yours sincerely

**FULL NAME**

**Director-General or Delegate**

 / /

Ref: ##/######

Enc: Copy of notification letter sent to student