Student Full Name

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

Address Line 1

SUBURB QLD 4XXX

Dear Student First Name

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

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

Your suspension commenced on day month year, when you were told that you were suspended from School Name pending a final decision about your proposed exclusion. I note you were also advised of this in a written notice to you on day month year.

In accordance with section 291, 295 and 297 of the *Education (General Provisions) Act 200*6 (the Act), I have considered your proposed exclusion 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 **exclude** you permanently/until date in full from School Name.*Note that this cannot be longer than the period as stated in the proposed exclusion notice.*

I have made this decision in accordance with section 291, 295 and 297 of the Act*.* The impact of my decision is that your enrolment at School Name is now cancelled. You may not apply to re-enrol at School Name until 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.

**Grounds**

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

* persistent disobedience (section 292(1)(a))
* misbehaviour (section 292(1)(b))
* conduct that adversely affects, or is likely to adversely affect, other students (section 292(1)(c))
* conduct that adversely affects, or is likely to adversely affect, the good order and management of the school (section 292(1)(d))
* your attendance at the school poses an unacceptable risk to the safety or wellbeing of other students or staff (section 292(1)(e))
* you have been convicted of a offence and I am reasonably satisfied it would not be in the best interests of other students or staff for you to be enrolled at the school (section 292(2))

**Material facts, evidence and other material**

I have listed the evidence and other material I used in making this 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. I have given you an 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.
* Given the serious nature of your conduct on date and your behavioural history while enrolled at the school, I am not satisfied that suspension alone is adequate to deal with your disobedience, misbehaviour, conduct or risk.
* Accordingly I have decided that you should be excluded permanently/until date in full from the School Name.

**Your future education**

Mr/Mrs/Ms/Miss Regional Case Manager Full Name # Region has been assigned as your regional case manager to assist and support to access an educational program. I encourage you to contact your regional case manager to explore suitable options to support the continuation of your educational program. Mr/Mrs/Ms/Miss Regional Case Manager Surname can be contacted on (07) #### ####.

**Making a submission**

If you believe that you should not have been excluded, 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 excluded 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**).

**Additional paragraph for permanent exclusions:** You are allowed to make one submission to the Director-General of the Department of Education or their delegate (the original decision maker) in each calendar year after you have been excluded until the end of the year in which you turn 24 years of age. If you make a submission, the decision will be reviewed and consideration will be given as to whether you should be allowed to enrol again. For more information about how to do this, refer to the *Guide to making a periodic review submission* (**Attachment 3**).

**Questions about this decision**

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**

 / /

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 4: Guide to making a periodic review submission

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

**Evidence or other material supporting the facts**

* Chapter 12, Part 3, 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 exclusion* *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 not satisfied that suspension alone is adequate to deal with your disobedience, misbehaviour, conduct or risk.
* I have therefore decided that you should be excluded permanently/until date in full 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**: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

**Attachment 4: Guide to making a periodic review submission to the Director-General or Delegate**

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

You should use this guide when you want to make an appeal submission against a **permanent exclusion** decision (Chapter 12 Division 3 of the *Education (General Provisions) Act 2006*).

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

Periodic review appeal submissions should be sent to the Director-General or their delegate (the original exclusion decision maker). The Director-General or their delegate will make a decision on your appeal submission. Your submission can also 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?***

You are allowed to make one submission to the Director-General or their delegate in each calendar year after you have been excluded until the end of the year in which you turn 24.

***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?***

Your submission should explain why your exclusion should be revoked, for example why your attendance at the particular school, or any Queensland state school is no longer a risk to other students and staff. Reasons for your appeal should outline the **facts** that support your case and may cover aspects such as:

1. any new information that is relevant to the matter;
2. any outcomes of programs undertaken, court hearings etc.; and
3. what has changed that makes your attendance no longer a risk to other students and staff at the school.

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 school, regional and/or central office staff for the Director-General or their delegate’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 or their delegate.

**SAMPLE PERIODIC REVIEW 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:**

🞏 Permanent 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)

|  |
| --- |
| **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 – 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 **exclude** Student First Name from School Name permanently/until date in full.

I have made this decision in accordance with section 291, 295 and 297 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 details about how Student First Name will be supported in continuing their education.

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 their educational program. I encourage you to contact Student First Name’s regional case manager to explore suitable options to support the continuation of their educational program. Mr/Mrs/Ms/Miss Case Manager Surname can be contacted 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**

 / /

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 – 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 **exclude** Student First Name from School Name permanently/until date in full.

I have made this decision in accordance with section 291, 295 and 297 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**

 / /

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 **exclude** Student First Name from School Name permanently/until date in full.

I have made this decision in accordance with section 291, 295 and 297 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**

 / /

Enc: Copy of notification letter sent to student

Mr/Mrs/Ms/Miss Regional Case Manager Full Name

Position title

# Region

PO BOX ####

SUBURB QLD 4###

Dear Mr/Mrs/Ms/Miss Regional Case Manager 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 **exclude** Student First Name from School Name permanently/until date in full.

I have made this decision in accordance with section 291, 295 and 297 of the *Education (General Provisions) Act 2006.* The reasons for my decision are outlined in the letter to Student First Name.

I thank you for your work in supporting Student First Name at this time. I ask that you make contact with Student First Name to explore suitable options to support the continuation of an educational program, such as securing an enrolment at a Queensland state school or to transition to other suitable education, training or employment.

Yours sincerely

**FULL NAME**

**Director-General or Delegate**

 / /

Enc: Copy of notification letter sent to student