Prospective Student Full Name

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

Address Line 1

SUBURB QLD 4###

Dear Prospective Student First Name

**RE: DECISION – EXCLUSION FROM ALL queensland STATE SCHOOLS EXCEPT SCHOOLS OF DISTANCE EDUCATION**

I refer to my show cause notice dated date in full proposing your exclusion from all Queensland state schools except schools of distance education. This written notice was given to you under section 306 of the *Education (General Provisions) Act 2006* (the Act).

I have considered the submission made by you/r mother/father/parents/guardian, Mr/Mrs/Ms/Miss Parent Full Name against your proposed exclusion from all Queensland state schools except schools of distance education.

**My decision**

I have decided to **exclude** you permanently/until date in fullfrom all Queensland state schools except schools of distance education. I have made this decision in accordance with section 309 of the Act. You must not enrol at or attend a Queensland state school other than a school of distance education.

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.

**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**.

**Reasons for my decision**

* You have an extensive history of violent behaviour against other students at the schools you have previously attended.
* Much of your violent behaviour was of a serious nature and included both random and premeditated physical violence that resulted in injury to other students.
* Your extensive history of violent behaviour without any indication of remorse means you are a high risk of engaging in the same type of behaviour at any school you attend with other students.
* Given the above, I reasonably believe that your attendance at all Queensland state schools except schools of distance education would pose an unacceptable risk to the safety or wellbeing of other students or staff of the schools.
* Accordingly, it is appropriate that I exclude you from all Queensland state schools except schools of distance education.

**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 you to access an educational program. I encourage you to contact Mr/Mrs/Ms/Miss Regional Case Manager Surname on (07) #### ####.

**Making a submission**

If you believe that you should not be excluded, you, your parent or someone else with your permission, can write to me within **30 school days** of being given the notice, to explain why I should not have excluded you and I will review my decision. 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**

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

Yours sincerely

**MR/MRS/MS/MISS FULL NAME**

**Director-General**

 / /

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 8, Part 1, Divisions 1 and 2 and Chapter 12, Part 3, Division 5 of the *Education (General Provisions) Act 2006* (the Act).
* *Human Rights Act 2019* (Qld).
* Departmental procedure: *Refusal to enrol – risk to safety or wellbeing.*
* Departmental procedure: *Student discipline.*
* Your *OneSchool Enrolment History.*
* Your *OneSchool Student Profile* dated date in full to date in full.
* School Name’s *Student Code of Conduct.*
* 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. Previous exclusion notices, screenshots of social media contacts, letters, reports, notes of contact with police etc.
* The Principal of School Name’s referral of your enrolment application dated date in full, including: XXX
* *Refusal to Enrol – Show Cause* notice regarding your enrolment application at School Name, dated date in full.
* The Regional Director’s advice to the Director-General that you be excluded from all Queensland state schools except schools of distance education dated date in full, including:
* the Principal of School Name’s referral of your enrolment application to the Director-General, dated date in full;
* the Regional Director’s advice supporting/not supporting the Principal’s referral as well as supporting/not supporting that you be excluded from all Queensland state schools except schools of distance education, dated date in full;
* advice from School Name regarding your enrolment during date range;
* your application for enrolment to School Name, dated date in full;
* Meeting Minutes, dated date in full;
* Principal of School Name’s letter to your parent advising of the referral of your enrolment application to the Director-General, dated date in full;
* Principal of School Name’s completed *Behaviour Risk Assessment* *Tool – safety or wellbeing,* dated date in full, subsequent to the Stakeholder Meeting on date in full.
* Submission from you/r mother/father/parents/guardian against your proposed exclusion 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. 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 ## years old (DOB: date).
* You applied for enrolment at School Name on date.
* 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**

* You were previously enrolled at School(s) Name(s) from date range.
* On date the Principal of School Name referred your enrolment application through the Regional Director, # Region to the Director-General in accordance with section 156(2) of the Act.
* The referral outlined the Principal’s reasons for referring the application to the Director-General for a decision on whether your enrolment should be refused and included supporting documentation as listed in the *Material facts and evidence* section above.
* On date in full having considered all of the materials and evidence provided with the referral of your enrolment application, I gave your parent, Parent Name, a show cause notice setting out my preliminary view that your enrolment at School Name should be refused. Through this show cause process your parent was given an opportunity to submit further relevant information showing why your enrolment should not be refused.
* On date in full, the Regional Director, # Region, having considered all of the materials and evidence provided in relation to your enrolment application, supported/did not support that I consider excluding you from all Queensland state schools except schools of distance education.
* Insert full details of prospective student’s behaviour (both at school and outside of school) that gives rise to the concern they pose an unacceptable risk to others – split it into serious matters and less serious matters and particularise all behaviour/incidents by date and location. The prospective student’s full behavioural history at all schools they attended must be considered – highlight suspensions/exclusions and particular behaviour of note (e.g. similar behaviours, sexualised behaviour/violent behaviour in the past).
* Insert here information about the prospective student’s disability diagnosis (if any) and the full supports the schools have put in place to support the prospective student and to deal with their behavioural issues – has the prospective student had an 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 prospective student that may explain or mitigate the prospective student’s behaviour (e.g. relevant family issues, the prospective student being in care etc.) and how these circumstances have been considered.
* Insert information about any risk assessments/reports on the risk the prospective student may pose to others (e.g. by the Mater Family and Youth Counselling Service).
* Your extensive history of aggressive, violent behaviours towards other students, including both planned and random violent assaults, suggests you have a propensity for violence towards other students.
* While I make no findings about what is ultimately causing you to behave in the ways described above, there is a risk that if you are enrolled at any Queensland state school except a school of distance education, where you would have direct contact with other students, you would continue to engage in the violent, threatening, aggressive behaviours described above.
* I therefore believe that your attendance at all Queensland state schools except schools of distance education would pose an unacceptable risk to the safety or wellbeing of other students or staff of the school.
* Accordingly, you should be excluded permanently/until date in full from all Queensland state schools except schools of distance education.

**My response to the submission**

You/r mother/father/parents/guardian raised various issues in their submission/s dated date in full and date in full. I have considered all aspects of your/their submission/s and my responses are as follows:

Submission 1

* *It is submitted that ###*

**Response 1**:

Submission 2

* *It is submitted that ###*

**Response 2**:

**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 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)

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| --- |
| **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 ProspectivE STUDENT FULL NAME FROM all queensland state schools except schools of distance education**

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

I have decided to **exclude** Prospective Student First Name permanently/until date in full from all Queensland state schools except schools of distance education.

I have made this decision in accordance with section 309 of the *Education (General Provisions) Act 2006*. The reasons for my decision are outlined in the attached letter to Prospective Student First Name, including information about how to make a submission against this decision and details about how Prospective Student First Name will be supported in continuing their educational program.

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

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

Yours sincerely

**MR/MRS/MS/MISS FULL NAME**

**Director-General**

 / /

Ref: ##/#####

Enc: Copy of notification letter sent to prospective student

Mr/Mrs/Ms/Miss Regional Director Full Name

EdEdcation House

30 Mary Street Brisbane 4000

PO Box 15033 City East

Queensland 4002 Australia

**Website**: www.dete.qld.gov.au

Regional Director

Region Name

Department of Education

# Street

SUBURB QLD 4###

Dear Mr/Mrs/Ms/Miss Regional Director Surname

**RE: DECISION – EXCLUSION OF PROSPECTIVE STUDENT FULL NAME FROM ALL queensland STATE SCHOOLS EXCEPT SCHOOLS OF DISTANCE EDUCATION**

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

I have decided to **exclude** Prospective Student First Name permanently/until date in full from all Queensland state schools except schools of distance education.

I have made this decision in accordance with section 309 of the *Education (General Provisions) Act 2006*. The reasons for my decision are outlined in the attached letter to Prospective Student First Name.

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

Yours sincerely

**MR/MRS/MS/MISS FULL NAME**

**Director-General**

 / /

Ref: ##/#####

Enc: Copy of notification letter sent to prospective student

Mr/Mrs/Ms/Miss Principal Full Name

Executive Principal/Principal

School Name

# Street

SUBURB QLD 4###

Dear Mr/Mrs/Ms/Miss Principal Surname

**RE: DECISION – EXCLUSION OF PROSPECTIVE STUDENT FULL NAME FROM ALL queensland STATE SCHOOLS EXCEPT SCHOOLS OF DISTANCE EDUCATION**

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

I have decided to **exclude** Prospective Student First Name permanently/until date in full from all Queensland state schools except schools of distance education.

I have made this decision in accordance with section 309 of the *Education (General Provisions) Act 2006*. The reasons for my decision are outlined in the attached letter to Prospective Student First Name.

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

Yours sincerely

**MR/MRS/MS/MISS FULL NAME**

**Director-General**

 / /

Ref: ##/#######

Enc: Copy of notification letter sent to prospective student

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

Region

Department of Education

# Street

SUBURB QLD 4###

Dear Mr/Mrs/Ms/Miss Regional Case Manager Surname

**RE: DECISION – EXCLUSION OF PROSPECTIVE STUDENT FULL NAME FROM ALL queensland STATE SCHOOLS EXCEPT SCHOOLS OF DISTANCE EDUCATION**

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

I have decided to **exclude** Prospective Student First Name permanently/until date in full from all Queensland state schools except schools of distance education.

I have made this decision in accordance with section 309 of the *Education (General Provisions) Act 2006*. The reasons for my decision are outlined in the attached letter to Prospective Student First Name.

I thank you for your work in supporting Prospective Student First Name at this time. I ask that you make contact with Prospective Student First Name to explore suitable options to support their transition to other suitable education, training or employment.

Yours sincerely

**MR/MRS/MS/MISS FULL NAME**

**Director-General**

 / /

Ref: ##/######

Enc: Copy of notification letter sent to prospective student.

EdEdcation House

30 Mary Street Brisbane 4000

PO Box 15033 City East

Queensland 4002 Australia

**Website**: www.dete.qld.gov.au