



School: Breach Of School Discipline

What is a breach of school discipline?

A 'breach of school discipline' is any act or omission that impairs the good order and proper management of the school.

The Principal of the school and staff are responsible for ensuring that students are safe and have a positive learning environment.

Whether you attend a government or non-government school, there will be procedures in place to address any breaches of school discipline. Students at non-government schools should consult their school handbook or the Principal to find out their school's discipline procedure.

Breach of school discipline can be minor or serious.

Examples of minor breaches

- Sending text messages during class.
- Not wearing the correct uniform.
- Littering.

Examples of serious breaches

- Assaulting or making threats to another student or staff member.
- Students fighting and videoing fights and publishing it
- Disrupting the class.
- Intentionally damaging school property.
- Bullying another student.
- Using prohibited drugs at school.
- Failing to obey a lawful instruction by a teacher.

What can occur if I breach school discipline?

Physical contact by a teacher

- A member of staff may physically restrain a student if it is reasonable in order to:
 - Manage or care for a student;
 - Maintain or re-establish order; or
 - Prevent the student from placing at risk the safety of another person or damaging any property.
- A student at a government school cannot be disciplined by way of corporal punishment.



Withdrawal from classes

- You can be withdrawn from class or classes.
- Your recess or lunch periods can be altered.
- You can be restricted or prevented from participating in school activities.

You are still required to attend school during this period.

You cannot be withdrawn from any class or classes for more than 5 school days.

Detention

You may be detained after school for a period of time, however, before you are detained, the Principal must contact your parent or responsible adult to ensure that an arrangement is in place for you to get home.

You cannot be detained for more than 30 minutes unless your parent or responsible adult has been informed and there is an arrangement in place for you to get home and your parents agree to this.

Good Standing Program

Students who are caught fighting may be banned from attending events like school dances and sports carnivals. They can earn their standing back through good behaviour

Suspension

You can be suspended from school wholly or partly for a period of up to 5 days for a minor breach or 10 days for a serious breach. During any period of suspension, you must still be provided with educational instruction so as to prevent you falling behind with your education.

You can also be suspended for 10 days for a serious breach which can be extended if the Principal is considering that exclusion from school is appropriate.

Minor breaches

- You must be informed (orally or in writing) about the duration of the suspension and the reasons.
- Your parent or responsible adult must be informed and given reasons.
- If you are an Independent Minor or 18 years or over, your parent or responsible adult does not need to be informed.
- You or your parent or responsible adult must be given an opportunity to give reasons as to why you should not be suspended.



Serious breaches

- You must be informed in writing about the duration and reasons.
- Your parent or responsible adult must be informed and given reasons.
- If you are an Independent Minor or 18 years or over, your parent or responsible adult does not need to be informed.
- You or your parent or responsible adult must be given an opportunity to give reasons as to why you should not be suspended or that it not continue.

If you have been suspended for 10 days or more during the school year, the Principal must arrange a consultation with your parent or responsible adult (unless you are an Independent Minor or aged 18 or over) to discuss your behaviour and educational programmes, and to try to come to an arrangement where no further breaches of school discipline by you will occur.

While under suspension, you remain subject to the school's code of conduct.

Alternative Learning Setting

Students considered violent and out-of-control can be removed from schools and placed in an alternative learning setting and return to their school after a period of time.

Exclusion

You can be excluded from school if you have committed a breach of school discipline where:

- You have threatened or affected the safety of any person on the school premises;
- You have caused or tried to damage school property; or
- Your behaviour has disrupted the educational instruction of other students.

If this occurs, then there are certain steps that must be followed before you can be excluded:

1. The Principal makes a recommendation to the CEO of the Department of Education giving him/her all the appropriate information.
2. The Principal must notify the student and parent or responsible adult that such recommendation has been made and provide the parent with reasons why the recommendation has been made.
3. The CEO refers the recommendation to the School Discipline Advisory Panel or if you have a disability to the Disability Advisory Panel. They will look into the matter and make recommendations as to what should occur.
4. The CEO on receiving the report from the School Discipline Advisory Panel may make one or more of the following orders.
 1. Exclude you from normal attendance at the school but direct you to attend the school for other reasons.
 2. Completely exclude you from attending the school.
 3. Direct you to attend another school or participate in another educational program.
 4. Determine what educational instruction you are to be given.
5. An order to exclude you from school may be for a certain period and may be revoked or amended by a further order made by the CEO.



Your rights during the suspension/exclusion procedure

The decision makers must:

- Comply with procedural fairness.
- Provide you with reasons for the decision.
- Give you a fair hearing.
- Give you and your parents an opportunity to put your case before a decision is made.
- Consider all relevant arguments and exclude all irrelevant arguments.

More Information

If you think you have been treated unfairly by this process, you can make a complaint to the State Ombudsman: www.ombudsman.wa.gov.au
http://www.ombudsman.wa.gov.au/Complaints/Making_complaints.htm

For more information on school discipline:

YouthLaw Australia: <https://yla.org.au/wa/topics/school/expulsion/>

Please note: Laws are subject to change. Last updated July 2020.

Important: The information provided in this infosheet is for information only.

It should not be relied on as legal advice.

Please seek legal advice about your particular circumstances.