



## STAND-DOWNS, SUSPENSION, EXCLUSIONS AND EXPULSIONS OF STUDENTS GUIDELINES

### **Background:**

Under the general aims of the Spotswood College Charter, the Education Act 1989 and the general principles of fairness and Common Law, the Principal (and Board of Trustees) can be expected to take all reasonable steps to ensure that all students have the opportunity to remain at school and progress with their learning.

### **Underpinning Legislation:**

The part of the Education Act 1989 that deals with suspension and expulsion of students is Section 13 to 19. These sections set out the grounds on which a Principal may suspend a student, and the procedures to be followed by school Boards when students are suspended.

Sections 13 to 19 of the Education Act need to be considered in the context of the broader philosophy of education as it is expressed in education legislation. The main features are:

#### **(a) Right to Education**

Section 3 of the Education Act 1989 states that every New Zealander is entitled to free education at any state school from the age of 5 to the end of the year in which she/he turns 19. This is subject to any enrolment schemes as well as to the enrolment provisions that apply to integrated schools.

#### **(b) National Education Guidelines**

Section 60A empowers the Minister of Education to publish statements of desirable achievements by the school system (National Education Goals) and desirable principles of conduct or administration (National Administration Guidelines). Boards of state schools are required to help all students realise their full potential by providing appropriate learning programmes and addressing barriers to learning and individual needs while respecting cultural differences.

#### **(c) Right to counselling**

Section 77 (a) says that State School Principals must take all reasonable steps to ensure that students get good guidance and counselling.

#### **(d) Obligations to Parents**

Section 77 (b) says that State School Principals must take all reasonable steps to ensure that parents are told of matters that in the Principal's opinion are "preventing or slowing the student's progress through the school" or are "harming the student's relationship with teachers and other students".

#### **(e) Natural Justice and the New Zealand Bill of Rights**

Stand-downs, suspensions, exclusions and expulsions are dealt with in accordance with the principles of natural justice i.e. fairly and reasonably in the individual circumstances.

## **PRINCIPAL'S SPECIFIC RESPONSIBILITIES**

- (a) to keep Parents/Caregivers informed of problems with behaviour or progress before the situation deteriorates to the point of suspension (and as a consequence)
- (b) Allow the Parents/Caregivers to exercise their parental authority to address the problems

and

- (c) Provide appropriate school-based guidance and/or counselling as a means of dealing with the problems.

**N.B.** Nothing stated or implied in this legislation however restricts the ability of the Principal (Board of Trustees) to summarily suspend a student if the student's action is of a serious nature. (Clearly this would preclude the option of prior supportive action).

## **STAND-DOWNS AND SUSPENSIONS**

### **Grounds**

Section 14 of the Act sets out the grounds on which Principals may decide to stand-down or suspend students:

- 14. The Principal may stand-down or suspend students –
  - (1) The Principal of a state school may stand-down or suspend a student if satisfied on reasonable grounds that –
    - (a) *The student's gross misconduct or continual disobedience is a harmful or dangerous example to other students at the school; or*
    - (b) *Because of the student's behaviour, it is likely that the student, or other students at the school, will be seriously harmed if the student is not stood-down or suspended for an unspecified period.*

### **Approval:**

When the Board approved this Policy it agreed that no variations of this Policy or amendments to it could be made, except with the majority approval of the Board.

Approved by the Board of Trustees on 23 March, 2015  
Signed on behalf of, and with the authority of the Board

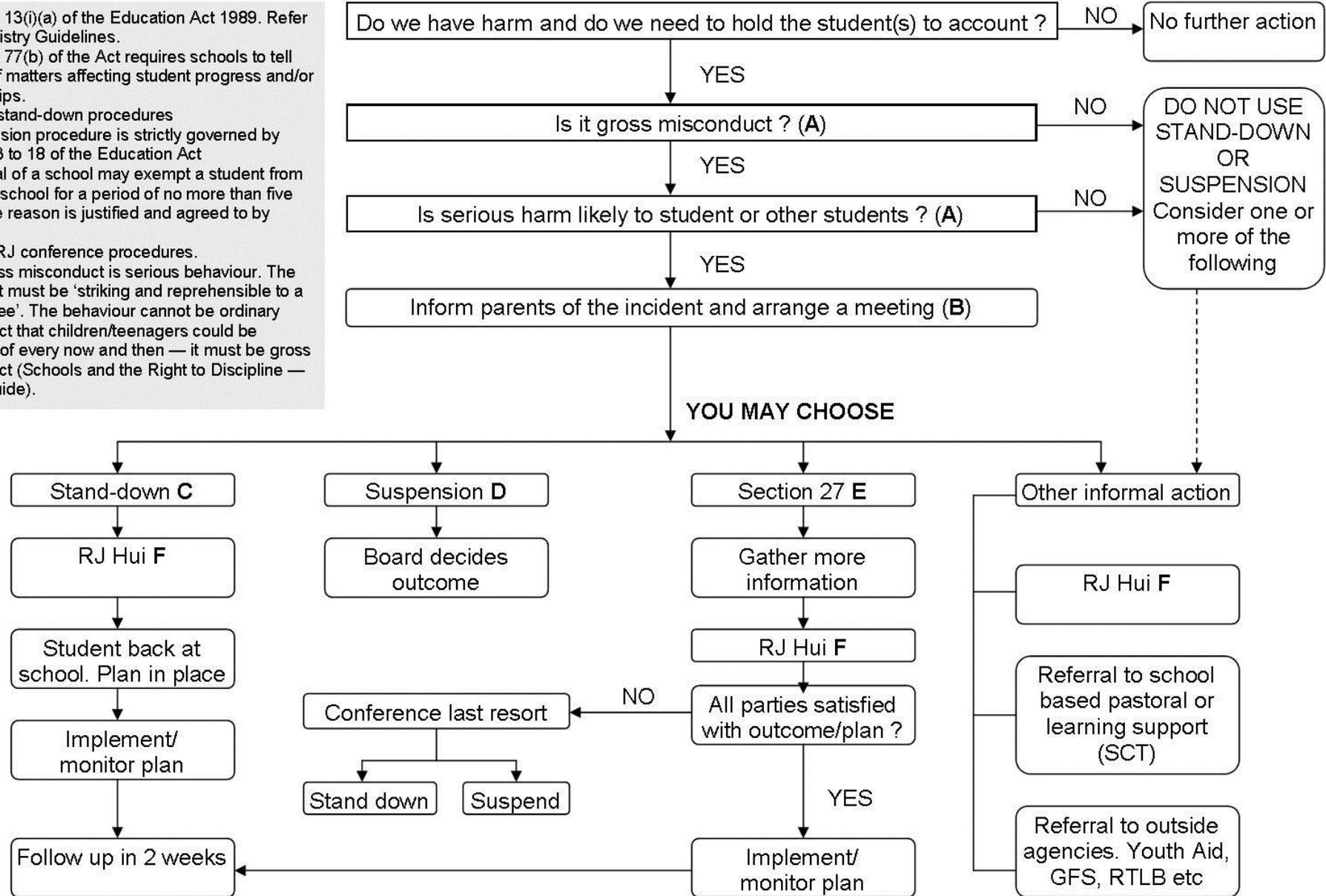
\_\_\_\_\_ on \_\_\_\_\_ (Date)  
Board Chairperson

Due for Review: March 2018

Reviewed Date: \_\_\_\_\_ Signed for B.O.T. \_\_\_\_\_

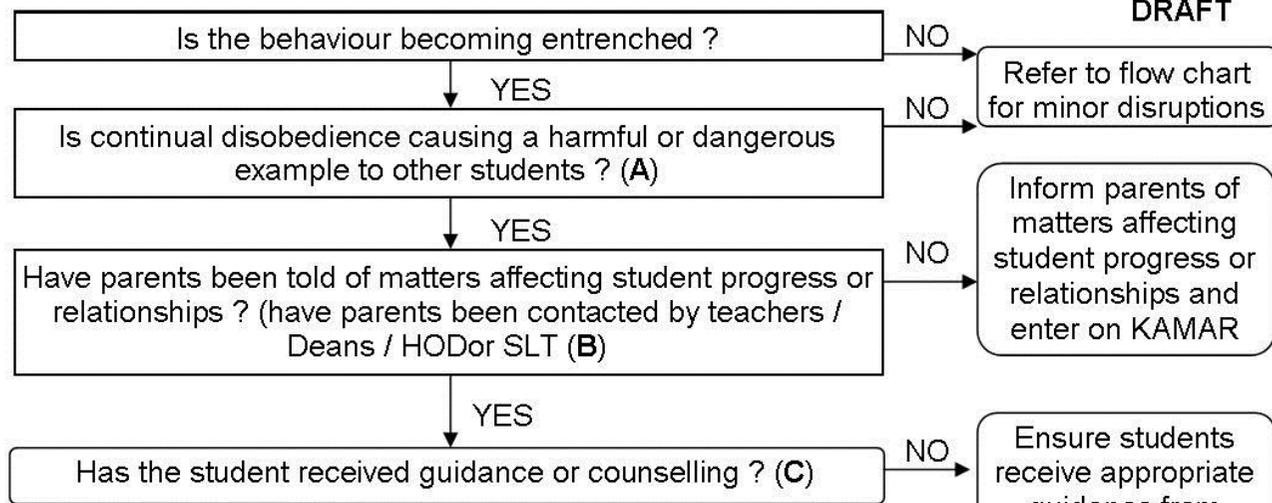
## RESTORATIVE FLOWCHART FOR GROSS MISCONDUCT

**A** Section 13(i)(a) of the Education Act 1989. Refer to the Ministry Guidelines.  
**B** Section 77(b) of the Act requires schools to tell parents of matters affecting student progress and/or relationships.  
**C** Follow stand-down procedures  
**D** Suspension procedure is strictly governed by section 13 to 18 of the Education Act  
**E** Principal of a school may exempt a student from attending school for a period of no more than five days if the reason is justified and agreed to by parents.  
**F** Follow RJ Hui conference procedures.  
**Note** Gross misconduct is serious behaviour. The law says it must be 'striking and reprehensible to a high degree'. The behaviour cannot be ordinary misconduct that children/teenagers could be expected of every now and then — it must be gross misconduct (Schools and the Right to Discipline — Parent Guide).



## THE RESTORATIVE PROCESS FOR RESPONDING TO CONTINUAL DISOBEDIENCE AT SPOTSWOOD COLLEGE

**A** Refer to the Ministry guidelines on Section 13(i)(a) of the Education Act.  
**B** Section 77(b) of the Act requires schools to inform parents.  
**C** Section 77(a) of the Act requires schools to take all reasonable steps to assure students get guidance and counselling  
**D** Follow stand-down procedures  
**E** Suspension procedures are strictly governed by section 13 to 18 of the Education Act  
**F** Principal of a school may exempt a student from attending school for a period of no more than 5 days.  
**G** Follow RJ conference procedures.  
**Note** Before a student can be stood down or suspended then consideration must be given to special factors that may include health of situation.



Refer to school based Support OR outside agencies

