



Youth Affairs
Council Victoria

Out of sight, out of mind?

The exclusion of students from Victorian schools

A preliminary discussion paper by the Youth
Affairs Council of Victoria

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About YACVic

The Youth Affairs Council of Victoria Inc. (YACVic) is the peak body and leading policy advocate on young people's issues in Victoria. Our vision is for a Victorian community that values and provides opportunity, participation, justice and equity for all young people. We are an independent, not-for-profit organisation.

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Young people and education in Victoria

High quality education is fundamental to the development of a young person's talents, skills, social connections, identity, dignity and wellbeing. It provides a pathway into employment and financial stability, to enable a young person to overcome disadvantage, contribute to their communities and make their aspirations a reality. The Victorian Government has stated:

'[W]e believe that every Victorian has an equal right to the knowledge and skills to shape their lives, regardless of their background, their personal circumstances or where they live ... We believe that every family should have access to great schools for their kids ... It's about supporting all Victorians to live the lives they want to live, and get the jobs they need, securing our state's economic and social future.'¹

As such, the Victorian Government has prioritised transforming Victoria into the Education State, building an education system that produces excellence and reduces the impact of disadvantage.

A strong, innovative and inclusive education system is now more important than ever. Australia's economy is changing rapidly due to the impacts of globalisation and automation, significant losses of mechanical, labouring and technician jobs, rising demand for employees in personal and community services, new opportunities for entrepreneurs, and growing expectations that employees will be flexible, highly skilled and able to move between multiple roles and employers. While new opportunities are emerging, young people are facing very significant risks. Entry-level jobs are disappearing from many industries, while available jobs (especially at junior levels) are becoming short-term and insecure.² Increasingly, educational qualifications do not guarantee a young person a secure career – however, it is equally true that young people without a Year 12 or equivalent qualification are at particular risk of long-term unemployment and underemployment.

Victoria out-performs other states and territories in relation to Year 12 attainment. Our laws and community expectations have changed to encourage or require young people to remain in school for longer than ever before. The age of compulsory school

attendance in Victoria is now 17, and students must complete at least a Year 10 qualification at a school or recognised VET provider.³

However, in such an environment, those young people who do not obtain a Year 12 qualification (or a Year 10 qualification) may find themselves more marginalised than ever. In their 2016 background paper about the Navigator program, the Victorian Government stated that in 2013 approximately 6,800 students left Victorian state schools between Years 9 and 12 and were not engaged in further education and training by August the following year.⁴ At a time when youth unemployment rates are approximately twice that of the general population,⁵ it is urgent that we prioritise the wellbeing and opportunities of these young people.

In this paper, YACVic focuses on one cohort of young people who are especially vulnerable to educational disengagement and its consequent harms: those young people who are actively excluded from school.*

YACVic and education policy

The Youth Affairs Council of Victoria (YACVic) is the state peak body for young people aged 12-25 and the services that support them. We are a vibrant, member based organisation, with 321 members – approximately half of them young people, the others comprising local governments, community and health services and research bodies. YACVic's vision is that young Victorians have their rights upheld and are valued as active participants in their communities.

YACVic works to protect the human rights of young people. This must include the right of all children aged under 18 to an education, as articulated in the United Nations Convention on the Rights of the Child. The Convention, which Australia has ratified, specifies that state parties should 'take measures to encourage regular attendance at schools and the reduction of drop-out rates' and 'encourage the development of different forms of secondary education, including general and vocational education,

* Note: we use the broad term 'exclusion' to encompass the suspension and expulsion of students from schools, as well as internal suspensions and 'sanctioning' of students, and unofficial processes through which students are urged to leave their schools. Many of these students believe they have indeed been 'kicked out'.

[and] make them available and accessible to every child'. Article 29 adds that the education of the child shall be directed (amongst other things) towards 'The development of the child's personality, talents and mental and physical abilities to their fullest potential'.⁶

YACVic is guided by these principles, as well as by the youth work principles we developed as part of the *Code of Ethical Practice*. These include social justice for young people, respect for young people's human dignity and worth, and the positive transitions and healthy development of young people.⁷

As such, we welcome the Victorian Government's focus on promoting equality, wellbeing and social cohesion through education. In our advocacy about the Education State, we have stressed the importance of meaningful student participation, adequate support for students' wellbeing, strong partnerships between schools and community services, well-supported transitions between primary and secondary school, and meaningful pathways through vocational education and training.⁸

In particular, YACVic welcomes the Victorian Government's focus on combatting school disengagement. In this paper we will focus on a significant sub-topic: the need to prevent situations where students are asked or required to leave their schools.

Why focus on the exclusion of students from school?

While there are many causes of school disengagement, some young people leave the education system as a result of being expelled or asked to leave their school. Others exit the education system following a period of disengagement which includes being suspended and/or repeatedly removed from class.

As we will demonstrate, exclusion from school is rarely the most effective tactic for transforming a student's disruptive behaviour and promoting positive school engagement. On the contrary, there is a correlation between school suspension and a student's failure to complete a Year 12 qualification. Suspension and expulsion from school are recognised by the Victorian Government as risk factors impacting negatively

on a young person's school engagement.⁹ Exclusion from school also increases a student's likelihood of becoming involved in anti-social behaviour.

It is unsurprising that exclusion tactics alone rarely 'fix' a young person's behaviour. We contend that in cases where a young person has experienced multiple suspensions or been urged to leave their school, this is often related in some way to issues such as mental illness, trauma, family conflict, poorly supported disability or learning problems, and/or the wish of the young person for a different education or training pathway. In such cases, a purely disciplinary response cannot solve the problem.

Moreover, the risk of being excluded from school is significantly higher amongst young people who are already facing disadvantage. These include young people in out-of-home care, young people with disabilities, Aboriginal young people, and young people living in some (although not all) suburbs with high rates of socio-economic disadvantage, notably interface suburbs with rapidly growing populations. Their higher rates of school exclusion are one component of the broader inequalities these young people can face. In turn, being excluded from school increases the risk that these young people will become even more vulnerable and marginalised.

In this paper, we summarise the existing knowledge about the frequency, causes and impacts of excluding students from school. We discuss the formal guidelines and safeguards, and how well these are working. We argue the need to combat exclusion by building schools' capacity to work effectively and equitably with all students, while also (where it is genuinely in the student's best interests and desired by the student) supporting transitions into other education or training settings. Additionally, we emphasise the importance of reliable, accessible data and strong partnerships with community services.

This paper seeks a commitment from the Victorian Government to support effective, evidence-based alternatives to suspension, expulsion and exclusion, and to reduce the rates of student exclusion from schools.

Note: We recognise that school exclusion is only one aspect of the wider issue of educational disengagement. YACVic and our partner organisations (notably VicSRC)

have advocated on many issues concerning disengagement, but cannot address them all in this document. We note that the Victorian Council of Social Service (VCOSS) is undertaking further advocacy concerning school engagement, and we look forward supporting their work.

Reducing school disengagement: the policy context

Recently the Victorian Government has made significant commitments to supporting student engagement. YACVic welcomes these positive undertakings, which include:

- An extra \$566 million over 4 years in Equity funding to support students facing educational disadvantage. This commitment (part of the Student Resource Package) comprises social disadvantage funding, which now takes into account parental occupation and education levels, as well as the need to support students who did not meet national minimum NAPLAN standards in Grade 5.
- The ‘Navigator’ pilot (\$8.6 million over two years) to support young people aged 12-17 in eight Victorian communities.[†] Navigator will be delivered by community organisations working with schools and DET, to support students who have not attended school for at least 70% of one term or more. This can include young people who have been ‘exited’ from their school. Key outcome measures will concern re-engagement with the original school (or with another school, flexible learning program or VET provider); strengthening the young person’s social and emotional capability, including language and literacy, career goals and pathways, and problem solving skills; and supporting schools to work more effectively with vulnerable young people to prevent disengagement.¹⁰
- Re-funding the School Focused Youth Service (SFYS) for two years to support 10- to 18-year old students who are attending state, Catholic or independent schools but who are showing signs of disengagement. This is estimated to be 20% of students. SFYS builds the capacity of schools, community agencies, families and community to meet the needs of students vulnerable to disengagement, and builds partnerships to address the needs of vulnerable cohorts.¹¹
- Four LOOKOUT Education Support Centres (one in each DET region) to support and advocate for young people in out-of-home care in the education system. The

[†] Bayside/Peninsula, Central Highlands, Goulburn, Hume/Moreland, Mallee, Ovens/Murray, Southern Melbourne, and Western Melbourne.

LOOKOUT centres will not be education providers; rather they will focus on strengthening the capacity of schools, child protection, community service organisations and carers to deliver on the objectives of the Out of Home Care Education Commitment and the aspirations of the Education State.¹²

- \$32 million in support (announced in 2014) for the 31 Local Learning and Employment Networks (LLENs) to continue their work for four years. The LLENs broker new initiatives and create and support sustainable partnerships between education and training providers, industry, community agencies and family organisations to enhance the participation, engagement, attainment and transition outcomes of young people aged 10-19.
- The Reconnect program – \$14 million over two years for approved Registered Training Organisations who provide Foundation Skills training, to enable them to provide outreach to disengaged young people aged 15-24, assess their learning and non-learning needs and career goals, develop learning plans, provide support services to enable them to stay in training, arrange workplace experience, and assist their transition into further training and employment.¹³
- A Disengaged Students Register tracking young people leaving school who may need support.
- The Education Justice Initiative, a partnership between Parkville College and the Children’s Court. An initial evaluation found that after being involved with EJI, which acts as a link between schools, courts and welfare services, school enrolments rose from 51% to 75% and school attendance rose from 9% to 54%.¹⁴
- Increased investment in the regions, including 150 new DET regional staff to provide enhanced support to school communities.¹⁵
- An overall undertaking to halve the proportion of students leaving school from Years 9 to 12 over the next ten years.¹⁶

What happens when a student is suspended or expelled?

There are many pathways through which a student may be excluded from school – some official, some less so. On the following pages, we provide a broad overview of the processes schools are required or advised to follow in relation to suspension and expulsion – but we note that the practical experiences of students and schools are often far more complex, and may or may not align with departmental policy or advice.

What happens when a school is considering suspending a student?

Student behaviour meets any of the following conditions:

- Consistently behaving ‘in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student’.
- Posing a danger (actual, perceived or threatened) to the health, safety or wellbeing of another person.
- Causing significant damage to property.
- Committing, attempting to commit, or being knowingly involved in theft of property.
- Possessing, using, selling, or deliberately helping another person to possess, use or sell illegal substances or weapons.
- Failing to comply with a staff member’s instructions, so as to cause danger (actual, perceived or threatened) to the health, safety or wellbeing of another person.
- Consistently engaging in behaviour which vilifies, defames, degrades or humiliates another person on grounds of ‘age, breastfeeding, gender identity, disability, impairment, industrial activity, lawful sexual activity, marital status, parental status or status as a carer, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation, personal association (whether as a relative or otherwise) with a person who is identified with any of the above attributes’.

Students can be suspended for these behaviours if they occur on school grounds, on the way to or from school, or while engaged in any school activity off school grounds. (Ministerial Order 625, implemented March 2014)

These regulations apply to state schools. Independent schools have their own rules, and have greater freedom to suspend students if they wish.

Principal must consider whether another response instead of suspension could address the student’s behaviour.

Principal must consider the student’s educational needs, disability (if any), age, and ‘residential and social circumstances’. This includes whether the student is in out-of-home care, is Aboriginal or Torres Strait Islander, or is from a CALD background.

Principal must give the student the opportunity to respond, and take into account any relevant information provided by the student or their parent or guardian.

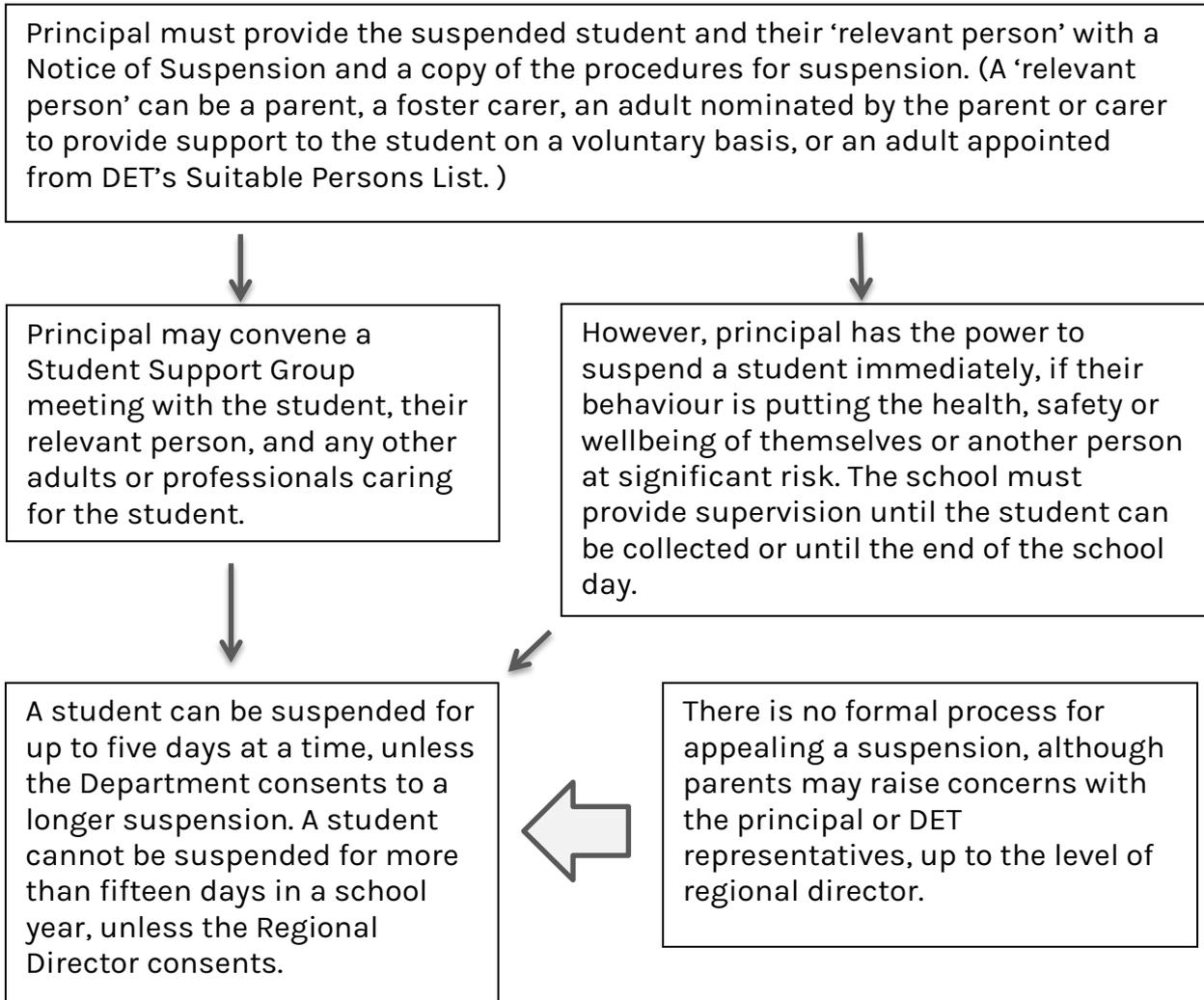
If the student is in out-of-home care, the Out-of-Home Care Education Commitment states principals should convene a Student Support Group meeting if suspension is being considered.

If the student has a disability, the principal must ensure ‘reasonable adjustments’ have been made to help the student manage behaviours which are a manifestation of their disability. It is strongly recommended the school hold a Student Support Group Meeting.

If the student is Aboriginal or Torres Strait Islander, DET advises principals that it’s best practice to engage a Koorie Engagement Support Officer to support the school and the family. It is strongly recommended the school hold a Student Support Group Meeting.

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What happens when a school is considering suspending a student? (cont'd)



For more information, see endnotes.¹⁷

In March 2014, Ministerial Order 625 ('Procedure for Suspensions and Expulsions') extended the authority of principals to exclude students from school. This reflected a policy emphasis on school autonomy during that period.

In September and October 2014, the then-Minister for Education, the Hon. Martin Dixon, listed amongst his government's achievements the fact that they had given principals greater powers to suspend and expel students, 'for the safety of their schools'. This was mentioned in the context of his government's investments in anti-bullying programs, but no mention was made of how many students were excluded for bullying-related offences, or how many excluded students might have been bullied themselves.¹⁸

What happens when a school is considering expelling a student?

A student is exhibiting any of the behaviours listed on page 10, and these behaviours are of such a magnitude that expulsion is 'the only available mechanism based on [the student's] need to receive an education, compared to the need to maintain the health, safety and wellbeing of other students and staff at the school, and to maintain the effectiveness of the school's educational programs.'

If a student is at risk of being expelled, the principal must notify their parents or 'relevant person', or the Regional Director of DET if they are living in out-of-home care.

Before expulsion, the principal must organise a Behaviour Review Conference, where the student and their parents or 'relevant person' may speak about why they should not be expelled. At this Conference, the principal must explain the reasons for an imminent expulsion, provide a Procedure for Expulsion booklet, give the student the opportunity to respond, and discuss further education, training or employment options if the student is expelled. The principal should ensure the Behaviour Review Conference is 'conducted as informally as possible'.

The student and their parent or 'relevant person' must be notified of the principal's decision within 48 hours.

If the student and/or their parents do not attend the Behavioural Review Conference, it can still go ahead in their absence, and the principal can still decide to expel the student.

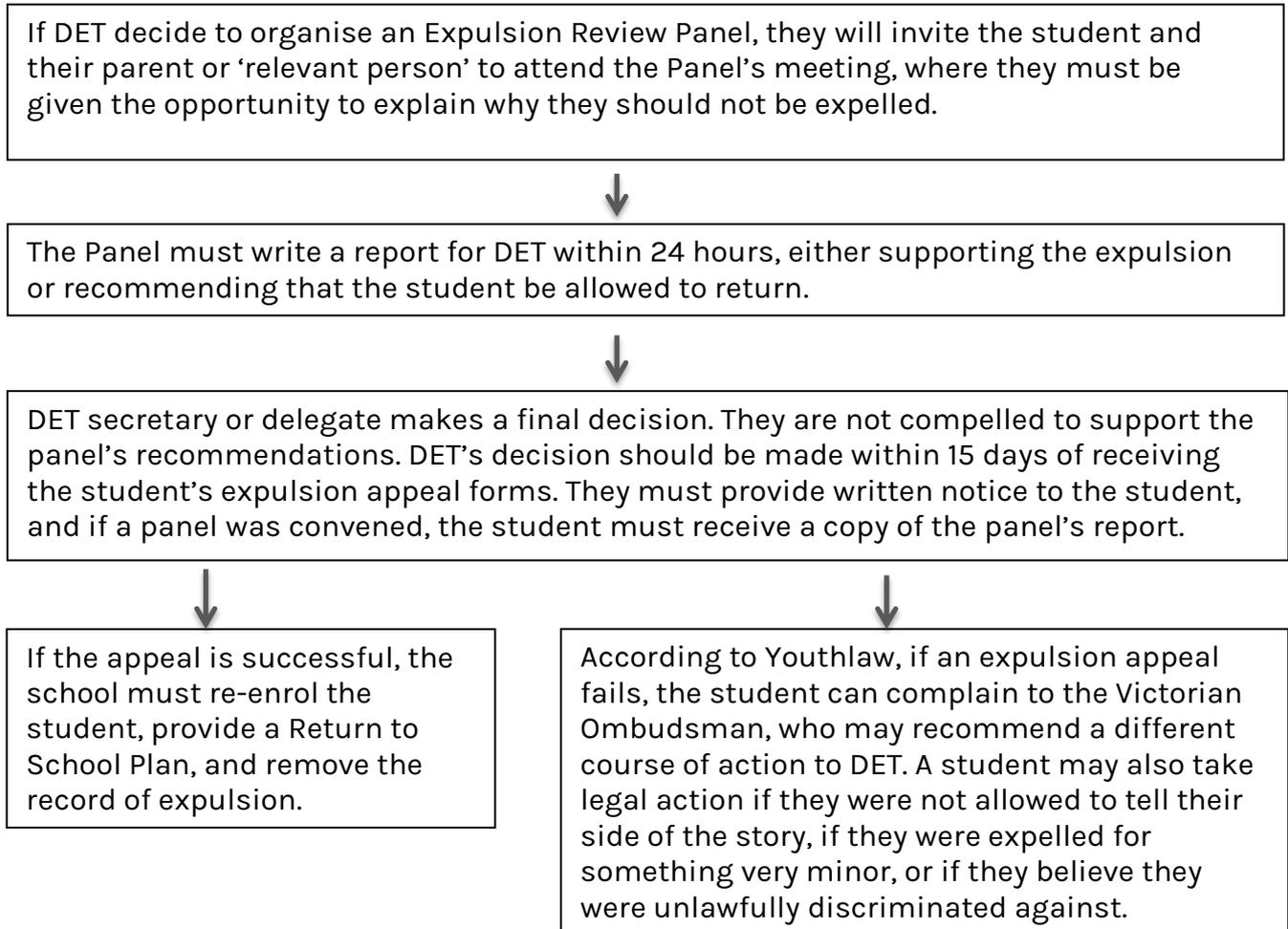
If the student is expelled and is of compulsory school age, the principal and regional DET office must ensure they enrol at another school or RTO as soon as 'practicable'. If there is a delay in transition, the school must provide the student with meaningful work to complete until they move into a new educational setting.

If the student is expelled and wishes to challenge the expulsion, they must submit an Expulsion Appeal Form to the principal within 10 days of the notice of expulsion. Students may challenge an expulsion on grounds that the reasons were unfair, the principal did not follow correct procedures, the school could have managed the student's behaviour in a different way, or there were other circumstances which made the suspension unfair.

Principal must forward the student's appeal form to DET, who may organise an Expulsion Review Panel (comprised of DET representatives). DET are not required to arrange such a panel. Nor are they required to meet with the student or their parent/guardian.

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What happens when a school is considering expelling a student? (cont'd)



For more details, see endnote.¹⁹

How common are suspensions and expulsions in Victoria?

Up-to-date, comprehensive data on suspensions and expulsions is not readily available at present. While DET collect suspension data via their school census, we have been informed this data is not released publically. Principals record and report student expulsions, but this information does not appear publically either.²⁰

We hope that the 2016 Disengaged Students Register will collate information about school exclusions and use this data to inform policy-making and program development.

YACVic contends that in order for targeted, effective work to be done to address school exclusion, the relevant education and community stakeholders must have access to up-to-date, accurate data on these topics. Various partnership groups have already demonstrated how quality research, data collection and data sharing about school disengagement can be handled productively and sensitively at a local level, and their findings could inform future Victorian Government approaches. Examples of such work have been produced by the Education Engagement Partnership of fifteen agencies, local government and schools in Port Phillip and Stonnington, and the ‘Under 16’ reports produced by a network of Youth Connections and LLEN providers in Melbourne’s north in 2012, supported by local government, NMIT and youth services and working with local schools and DET.²¹

Example: data collection and analysis through strong local partnerships

In 2012, several Youth Connections and Local Learning and Employment Networks (LLEN) providers in the north of Melbourne worked with schools and community services in their local areas to produce detailed research reports (‘Under 16’) into school disengagement. Amongst many other issues, the reports discussed suspension and expulsion.

State secondary schools reported having expelled 26 young people under the age of 16 in the Hume area in 2011, 19 in the Whittlesea area, 8 in Darebin, and 7 in Moreland, while state and Catholic schools combined in the Banyule and Nillumbik areas reported having expelled 6 students in 2011.

From the total population of young people under 16 enrolled in secondary schools, the young people who were expelled represented approximately 1% of their peer group in Hume, and less than 1% in Whittlesea, Darebin, Moreland, Banyule and Nillumbik. (Much larger numbers of young people had disengaged from school through other means, and the reports placed expulsion strongly in this disengagement context.) The reports from Whittlesea, Moreland and Banyule Nillumbik noted that the majority of students expelled were boys, and additional discussion of income and cultural background was provided.

In the mean time, the following data sets give some indication of the scope of the issue:

In 2016, citing figures from the Department of Education and Training, the *Herald Sun* reported that 172 students had been expelled from Victorian secondary schools in 2015, a rise from 144 in 2014 and 156 in 2013. They added that suspensions from secondary schools had also risen somewhat from 11,009 in 2014 to 11,282 in 2015. However, this still represented a notable drop since 2013 when 11,985 suspensions were reported.²² In a

previous report, the newspaper asserted that the age group most likely to be excluded from school were Years 8 and 9 students, and boys were three to four times more likely than girls to be suspended or expelled.²³

The Victorian Government's *On Track* report (2015) surveyed approximately a fifth of young people who left school during the previous year without a Year 12 qualification – 3,512 young people in all. 87 of these young people (2.5% of the sample group surveyed) reported that they had left because they were expelled, were asked to leave, or 'got into trouble'. This figure was lower than the expulsion rates listed in previous *On Track* reports – 2.9% in 2014, 2.7% in 2013, 4% in 2012, and 3.6% in 2011. While recording methods have changed somewhat, it appears the figures for expulsion were higher still back in 2010 and 2009.²⁴ This suggests a gradual downward trajectory in students being excluded from their schools.

However, it should be noted that the *On Track* survey, while substantial, does not capture data for every Victorian student; only a minority of early school leavers are reached.²⁵ It is questionable whether such a generalised survey, which relies upon the contact details of young people from 6 months earlier, has the capacity to reach the most severely disengaged and transient young people – who tend to be more vulnerable than average to exclusion from school. Nor does the survey have the capacity to interview young people who left school before Year 10 – a smaller but more vulnerable cohort. Given the survey's reliance on young people's voluntary self-reporting, we should also consider the possibility of under-reporting of school exclusion due to stigma or uncertainty in the young person's mind about their precise pathway out of school. As we will discuss, for some young people the distinction between being 'asked to leave' and 'encouraged to look elsewhere' can be unclear.

The 2009 Victorian Adolescent Health and Wellbeing Survey found that 8% of secondary students aged 12-17 self-reported that they had been suspended in the past 12 months. Broadly speaking, suspension rates in the most disadvantaged parts of Victoria were double the rates in the least disadvantaged areas, and suspension rates for boys were double that for girls.²⁶

Again, while this survey was very extensive, it did not capture data for every Victorian student. Nor did it have capacity to involve young people who were no longer engaged

with school, or whose literacy problems might have hindered them from filling out a survey. Self-reporting also raises the possibility that some young people may under-report, due to stigma, forgetfulness or confusion about whether they were formally suspended or not.

Have suspensions and expulsions changed since Ministerial Order No.625?

Ministerial Order No.625 (2014) expanded the powers of principals to suspend and expel students from schools, in keeping with a policy of fostering greater autonomy for individual schools.

Without access to comprehensive data on suspensions and expulsions, it is difficult to evaluate any effects of Ministerial Order No. 625. In particular, it is hard to demonstrate the impact on vulnerable cohorts of students. For example, in April 2013, the Hon. Jenny Mikakos, the then-Shadow Minister for Youth, tabled a question in parliament: Of all the students suspended or expelled in 2012, how many had a recognised disability, and how many were receiving funding through the Program for Students with a Disability? The answer provided was that the Department of Education and Early Childhood Development did not keep separate data on suspensions or expulsions of students with disabilities. In their *Held Back* report about disability and school engagement, the Victorian Equal Opportunity and Human Rights Commission raised the same concern, commenting that without access to accurate data they could not assess how widespread the problem of school exclusion was.²⁷

To date, feedback we have received from the youth and education sectors about Ministerial Order No.625 has been mixed. The lack of reliable data was raised by many stakeholders, making it hard for them to identify any changes. Some service providers felt that the 625 had given a certain validity and encouragement to principals who were eager to take a tougher stand on disciplinary matters. But other stakeholders were less concerned with any specific impacts of 625, stressing the following points instead:

- Prior to 2015, DET experienced significant loss of staffing and capacity, and were guided by a philosophy of school autonomy. These factors meant that DET have often appeared (to the youth and education sectors) to be disengaged from the

issue of school exclusion, especially if a student has not been formally expelled. Responsibilities around school exclusion have come to rest almost entirely with principals, and the support and guidance available to principals has diminished.

- Vulnerable groups of young people continue to be excluded from school at disproportionately high rates. The safeguards that are supposed to protect their education are not always implemented correctly, or at all. Indeed, some schools do not seem to know about the policies and procedures regarding students in care, Aboriginal students or students with a disability.
- A culture of competitive academic schooling has provided even less incentive for schools to support the engagement of students whose NAPLAN results (for example) are likely to be lower than average.
- The internal culture of a school is at least as significant as departmental regulations. In some schools, teachers have considerable freedom to exclude students from class, with little monitoring or attention to relationship building and positive change. This can be exacerbated in schools where the wellbeing staff are not adequately resourced or qualified to address students' needs.

While YACVic continue to encourage reflection and review of the impacts of Ministerial Order No. 625, we urge that this question be addressed in the context of the related issues listed above.

What about other forms of exclusion?

Any effective intervention to reduce school exclusion must go beyond formal suspensions and expulsions and address the other means through which some students are excluded from their schools.

In particular, a number of stakeholders from the education and youth sectors have reflected to us that formal expulsions are only the tip of the iceberg. While some students go through a standardised, official process of being expelled from school, there are others who are encouraged or urged to leave. Anecdotally, it appears the numbers of students in this latter category are much higher than those who are officially expelled. However, without data it is hard to properly address the issue.

Official figures on expulsions do not encompass all students who believe they have been ‘kicked out’ or ‘can’t go back’ to their original school. These students may have been suspended and not supported to return. They may have had conversations with school staff who encouraged them to transfer elsewhere. Their parents may have been called to the school and informed by the principal that their child cannot stay there and would be better off leaving immediately. None of these factors necessarily involve expulsion, but the students and parents involved may experience these processes as being ‘kicked out of school’. Some may believe (incorrectly) that they have indeed been expelled, while others are uncertain about whether an expulsion took place or not.

In series of interviews conducted in 2015 in the Central Highlands region with 16 young people who experienced severe school disengagement, the researchers (working on behalf of the Child and Youth Area Partnership) found that ‘I was kicked out of school’ was a common perception. Despite DET’s regulations concerning expulsions, none of these young people recalled any formal investigation process or behaviour review conference. Correctly or incorrectly, the young people simply believed they had been told to leave. Most of these young people were already experiencing multiple forms of disadvantage – poverty, out-of-home care, family violence, mental illness – and the majority of them had already moved houses and schools several times. As such they were used to feeling stigmatised, transient and unwanted.²⁸

We suspect these informal exclusions constitute a much broader problem than formal expulsion. The issue warrants greater research and intervention.

Another issue which tends not to be the subject of public or departmental discussion is in-school suspensions, ‘sanctions’ and ‘re-locations’. These processes exclude students from class while keeping them within the grounds and supervision of the school. In-school exclusions do not appear to be governed by DET policies, and thus vary considerably in terms of type, frequency and intention.

Some schools stress reflection and restorative approaches here. In one model, students who are ‘relocated’ from class are sent to another room to reflect and write about what happened and how it could have been handled better. Afterwards they attend an amicable follow-up meeting with the teacher involved, with an emphasis on ensuring

they can both start afresh in their next class. In order for models like this to work, teachers and students need expert support (preferably from a wellbeing team member with therapeutic and / or youth work expertise) to have these conversations in a constructive way.

However, other schools use in-school exclusions simply as a way of removing 'difficult' students from a classroom. We are told that in some schools teachers have great personal discretion and little accountability. Some students may be sent out of a particular class repeatedly and early in the lesson, and spend the rest of the period doing nothing of educational value, with little or no emphasis on resolving the underlying problems.

A related issue is that of schools agreeing to reduced hours of school attendance for students who have exhibited disengaged or disruptive behaviours. (For example, the student might spend a period of time attending school only in the mornings.) We accept that a school may adopt this approach in an effort to keep some engagement with a student who is struggling to stay involved in school at all. We also recognise some flexible approaches may produce good results in the short term – for example if the student spends the rest of the day in a supervised, skill-building or therapeutic setting. However, we have heard of some students on reduced hours who are simply left to their own devices for the rest of the day, sometimes without adult supervision. This arrangement seems not dissimilar to suspension, even when the student involved may have done nothing wrong (for example, we have heard of cases of reduced school hours for students who have been victims of bullying).

Meanwhile, some schools may simply refuse to take on a certain student in the first place. Anecdotally, this issue particularly affects students with disabilities seeking to access a mainstream school, who may be told on very questionable grounds 'our waiting list is full'.

While we do not have the capacity to explore pre-emptive exclusion in this paper, we would flag it as a concerning area needing further work.

What does the research tell us?

- **Exclusion from school increases students' vulnerability**

Some students may find that a suspension prompts them to reflect on their behaviour and academic performance, talk to their families about any problems they are having, make proactive changes to their lives, and access expert support if needed. However, we suggest these positive outcomes are usually contingent upon the student having reasonably good mental health, no major trauma, a safe and supportive home environment, adequate access to in-school supports, and few outside factors impacting negatively on their education.

Ironically, students who have all of these things are less likely to be suspended in the first place. As Samia Michail (UnitingCare Children, People and Families, NSW) has commented:

‘The common assumption is that students are engaged with their school and that school suspension can potentially create a good learning environment through a period of contrasting disengagement for the student. However, this conviction is misplaced. Suspension is not a strategy that works for those marginalised at school and is not always appropriate for certain sub-groups of children within the school community.’²⁹

Similarly, some students may find the process of being transitioned out of one school and into another is ultimately beneficial for them – if the process is well planned and managed, with a strong emphasis on listening to the student, preserving and strengthening their connection to education, addressing their academic and wellbeing needs, finding another learning environment which works better for them, and tracking them into their next study or training pathway to check they remain positively engaged.

However, for too many students, this is not their experience. Our members in the youth and education sectors have reflected to us that too many students who are excluded from their school get little meaningful support to access another educational pathway, and that ‘tracking’ of students after they leave a school is often poor. The principal of one alternative learning setting commented to us that many of their students self-refer

after hearing about the alternative setting from a friend, family member or community service; their previous schools do not always provide them with a meaningful referral, despite high rates of disengagement, suspension and expulsion.

As it is, suspension, expulsion and expulsion-like exclusions from school are associated with various risks to a student's wellbeing and future prospects.

While a causal relationship is not firmly established, there is a strong correlation between a student's history of suspension and their failure to complete Year 12. Several recent studies have demonstrated this, for example work undertaken through the Longitudinal Survey of Australian Youth.³⁰

In addition, a number of recent studies – notably a 2009 survey of 4,000 Australian and American students – assert that suspension increases a young person's likelihood of engaging in risk-taking activities. Being suspended often means a student spends more time away from adult supervision, bored and disengaged from positive school influences.³¹ One 2010 study conducted through the Centre for Adolescent Health, Murdoch Children's Institute, found that school suspension was the third biggest risk factor increasing a student's likelihood of engaging in anti-social behaviour and violence.³²

High rates of student exclusion may also point to wider problems within a school. Sheryl Hemphill et al (2009, 2010) have pointed to findings that the likelihood of suspension is affected not only by the behaviour of individual students, but also by school-wide factors. A student appears more likely to be suspended if their school has a high suspension rate overall, and / or a lack of clear, consistent school governance. Suspensions also appear more common in schools where teachers believe that students are unable to use initiative or agency to resolve problems.³³

- Exclusion from school does not usually 'fix' a student's behaviour

The existing research indicates that exclusion from school is not usually effective in terms of improving students' behaviour or strengthening their engagement with education.

For example, in 2014 Daniel Quin and Sheryl Hemphill surveyed 74 young Victorians, from five different schools, who had experienced suspension. They found that:

- 73% of students responded that being suspended had *not* helped to resolve the problem that caused the suspension.
- Almost a third of the students did not know why they had been suspended, or felt unsure about the reason.
- When asked whom they spent their suspension time with, the most common response (from 38% of students) was ‘alone’.
- When asked what they did on the day of their suspension, only 23% of students said they did school work. The most commonly listed activities were ‘stay at home’, ‘watch TV, play XBOX,’ ‘use internet’. About a third described hanging out in the local area, city or mall.
- A majority of students (59%) reported that their teachers did not help them to catch up on missed work following a suspension. 49% said that the level of assistance from teachers stayed the same following their suspension; 43% felt it had decreased.³⁴

The writers concluded:

‘Removal of a student displaying problem behaviours from the classroom may provide temporary relief to the school community but suspended students report minimal benefits from suspension. Suspension removes the potential pro-social normative influences of school and provides an opportunity to establish antisocial peer networks. Suspended students appear to perceive a stigma upon their return to school, further diminishing an already tenuous school relationship.’³⁵

Comparable findings emerged from a series of in-depth interviews with ten NSW students aged 12-14 who had recently been suspended from school (UnitingCare Parramatta, 2012). This report found that not all students understood their school’s suspension policy or processes and or knew why they had been suspended. Most of the students did not believe that suspension had led them to address their behaviour – many described it as a slack day off. Where students did report positive changes

following a suspension, it was when the suspension had triggered positive new interventions from school wellbeing staff or family members. The students interviewed for this study tended to report poor rapport with their teachers and a belief that they were not listened to. Most of them argued that punishments would work better if they were directly linked to the consequences of a student's behaviour and involved doing work and staying in school.³⁶

Similar concerns were raised by a 2009 doctoral thesis (University of Melbourne) which included detailed interviews with 18 young people who had been suspended from school. The students' experiences were very diverse, and some felt their suspension had had a positive impact on their behaviour. However, most students reported being surprised by their suspension and many indicated they did not see the point of it, feeling they were just being quarantined. This raises questions about the clarity of schools' policies and processes – what is the point of using exclusion as a punishment if the student does not understand it? Moreover, some students – notably those already experiencing disadvantage – reported that being suspended worsened their disengagement from school and encouraged them to leave altogether.³⁷

Similarly, in a set of interviews in 2012 with young Victorians who had experienced educational disengagement, YACVic and VicSRC found that while some of the young people who had been suspended or expelled agreed that their exclusion from school had been fair, others believed they had been unduly targeted due to having a 'bad reputation' or a difficult relationship with a teacher. Young people with caring responsibilities, financial hardship or chaotic home lives were frustrated to find themselves facing suspension for minor infractions like lateness or wearing the wrong clothes. In general, the young people reported being most upset or resentful about a suspension when they felt they had not been listened to, or where the school's approach to discipline appeared inconsistent or disproportionate to the offence.³⁸

- Disadvantaged students are more vulnerable to school exclusion

There is a strong correlation between a student's likelihood of being excluded from school and their vulnerability in other areas of life.

- **Students in out-of-home care**

Young people in out-of-home care face high rates of disadvantage and school disengagement. As such, Victoria's Out-of-Home Care Commitment stresses the importance of maintaining students' connections to education and their school community. The Education Commitment undertakes that schools will be supported to understand and address the attendance, behavioural and emotional issues of young people in care. It specifies that Student Support Groups should be convened before a student in care is suspended or expelled, that the Regional Director be engaged if an expulsion is considered, and that every effort must be made to ensure that a young person excluded from school remain connected to their school and their studies. A student in out-of-home care should only be excluded 'when all other measures have been implemented without success, or where an immediate suspension is the only appropriate course of action given the student's behaviour'.³⁹

Similarly, the core standards listed in the National Standards for Out-of-Home Care specify that 'children and young people in care access and participate in education and early childhood services to maximise their educational outcomes,' and that 'Children and young people up to at least 18 years are supported to be engaged in appropriate education, training and/or employment.'⁴⁰

However, in spite of these good intentions, young people in care continue to be excluded from school at disproportionately high rates.⁴¹ Sometimes this is for challenging behaviours, many of which are trauma related. While good resources exist to assist schools to develop trauma-informed practice for students in care, in reality it is clear that many schools are unable or reluctant to do so. Moreover, many young people in care struggle to access basic things like appropriate school uniforms and transport to school, which leads to some of them being suspended for minor infractions like lateness or incorrect clothing. In addition, many young people in care have had a disrupted education, missing school due to placement changes, court attendance, untreated health problems, caring responsibilities and a history of transient housing with their families. As a result of long absences from school, these students may struggle to follow class content or develop ordinary study skills. This

further reduces their self-esteem and increases their risk of disruptive behaviour, truancy, suspension and being asked to leave.

If the upcoming LOOKOUT centres are to make a meaningful difference to the education outcomes of young people in care, it is vital that they focus on reducing formal and informal exclusions from school of this highly vulnerable cohort of young people.

- **Students with disabilities**

Students with disabilities can be especially vulnerable in relation to school exclusion. In their 2013 report *Held Back*, the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) hesitated to claim that students with disabilities were more likely than their peers to be suspended or expelled, as DET and the Catholic and independent school sectors did not appear to collect or analyse this data. However, on the basis of their survey of 883 educators, 617 parents or carers and 60 students, VEOHRC raised a number of concerns.

Approximately 15% of the parents with children in mainstream state schools who answered VEOHRC's survey reported that their child had been suspended and 4% reported that their child had been expelled. Rather than being a 'one off' experience, exclusion from school appeared to be a repeated problem in the lives of some students. Two thirds of the parents who reported that their child had been suspended said it had happened twice or more. And while the educators who spoke to VEOHRC typically reported that students with disabilities would only be excluded for extreme behaviour, the testimony of parents was different. While recognising their children's behavioural issues, many parents whose children had been excluded from school claimed that the school was unable or unwilling to provide an appropriate learning environment for students with disabilities. Parents also drew attention to issues of 'informal' exclusion. This ranged from schools which would not enrol a student with a disability, to schools which sent students with disabilities out of class or back home without recording an official suspension.

Comments from parents included:

- 'My son has Asperger's and was severely disadvantaged during secondary school, with many suspensions through things he had no control over. ... My son did not complete his secondary school education, which now extremely disadvantages him.'
- 'My child's school would forget to medicate him, and when he displayed autistic behaviours would punish him by suspension. I would take him to school at 9am and regularly a teacher would drop him home by 9.30am. Sometimes they would tell my child they were taking him home to collect his bike.'
- 'My child was not suspended as such but was placed in a day-long time out, this was before her formal autism assessment was done, and it was due to the fact that she had been disruptive to the class'
- 'My son was suspended due to behaviour, outburst, verbal and physical aggression. He was rarely supported in the appropriate ways, there was no real assistance or strategies offered and he would have meltdowns and then be sent out of the class or sent home. The school could see some of the triggers but did nothing to prevent them, stating they had no funding or resources.'
- 'He has been sent home numerous times without suspension, when he has had a full blown meltdown'
- 'After being in situations that increased my son's anxiety and after several bullying incidents, my son's 'fight or flight' reaction changed from 'flight' (e.g. hiding in the car park or climbing the fence) to 'fight' (mainly swearing) and lost trust in teachers and therapists leading to exclusion from classes'
- 'My son has been expelled twice from schools. After that, I spent 16 weeks at home with him every day trying to get him into another school - any other school. It took 177 phone calls to get him into a special school, on limited hours.'
- 'Due to the staff's lack of expertise, the focus was on my son's behaviours and not the cause.'
- 'He has been asked to leave every school he has attended.'
- 'My child was suspended over 20 times in primary school. I was being called to the office almost on a daily basis for minor behaviour through to complete shut downs ... Since attending ... secondary school, my child has never been suspended and is having a vastly different experience. This I believe is due to the understanding and education the secondary school has in educating children

with a disability ... My child has moved forward in both his academic levels and his social interactions.⁴²

These stories are especially concerning given the link established by VEOHRC between a breakdown in a student's school engagement and the relinquishment of children and young people with disabilities into state care.⁴³

Similarly, a 2014 research report for the NSW Law and Justice Foundation and the Centre for Children and Young People found that students with cognitive disabilities faced high rates of bullying and were often poorly supported. Some were removed from classrooms or asked to stay away from school for their own safety; others responded to bullying or marginalisation with violent behaviours of their own and consequently faced suspension. Some students with cognitive disabilities were excluded from school for disruptive behaviours which could be seen as a response to classroom environments which were inappropriate for their needs. Especially vulnerable were students with undiagnosed or unsupported learning difficulties, who struggled to cope and were at high risk of truancy, disruptive behaviours and exclusion from school.⁴⁴

- **Aboriginal and Torres Strait Islander students**

Around Australia, it appears common for Aboriginal and Torres Strait Islander students to be over-represented in suspensions and expulsions. This can be related to poverty, poor health and/or school disengagement; it may also reflect discrimination within the school and failure to engage Aboriginal families or understand their own approach to learning.⁴⁵ Victoria's Commissioner for Aboriginal Children and Young People has raised serious concerns about suspensions and expulsions, notably amongst the large numbers of Aboriginal children and young people in care.⁴⁶

- **Students who begin disengaging in primary school**

Samia Michail's literature review about school exclusions cites evidence that the 'middle years' (the point of transition from primary to secondary school) are a key point at which the risk of school disengagement and suspension increases for some children.⁴⁷ This echoes anecdotal comments from a number of YACVic's members: that

students at the highest risk of suspension and expulsion from their secondary schools often displayed problems of non-attendance, disruptive or traumatised behaviour and low achievement early on in primary school.

Ideally, there should be close collaboration between primary schools, secondary schools, community-based services and the state, Catholic and independent school sectors to support the transition of high-risk students from primary to secondary study. However, some communities need much stronger partnerships and communication before they can achieve this. At present there is no consistent, mandatory model for transitions between primary and secondary school, a problem identified by the Victorian Auditor-General's Office.⁴⁸

- **Boys facing multiple disadvantages**

There is a strong gendered dimension to school exclusions. Australian research conducted in the 2000s found that boys were more likely to be suspended than girls,⁴⁹ and this was backed by the findings of the recent 'Under 16' research projects led by the LLENs in Melbourne's north, where the vast majority of the students identified as suspended or expelled were boys.⁵⁰ This phenomenon is suggestive of many factors, including higher rates of some cognitive disabilities amongst boys (which schools may not be supporting adequately), and a shortage of learning environments which are welcoming and responsive to the needs and interests of boys from economically disadvantaged, culturally diverse and Aboriginal communities. We also suggest that the exclusion of boys from school for violent or threatening behaviours is symptomatic of a wider social failure to prevent and address male violence early on in life.

- **Same sex attracted and sex/gender diverse students**

YACVic has welcomed the Victorian Government's strong support for Safe Schools Coalition Victoria – a vital area for reform. Large-scale surveys of same-sex attracted and sex/gender diverse young people conducted in 2010 and 2014 established that schools were the most common places where young people experienced homophobic, biphobic and transphobic bullying and discrimination. Discrimination was shown to have a significant effect on the education of many young people, with around 10% of

young people changing schools to avoid discrimination and approximately 8% dropping out of school altogether. These studies did not focus on suspension or expulsion, so is hard to gauge how relevant these issues are. However, several young people described being eased out of their schools (especially religious schools) and many described a broader sense of being unwelcome.

Comments from young people included:

- 'Due to my mother's homophobia I was sent to a strict Catholic boarding school where I was forced to scrub floors and walls on my hands and knees and pray multiple times a day. I am not religious and it was an extremely homophobic environment. Within a month I was on anti-depressant and expelled after attempting suicide because "Suicide is a sin and so it was not acceptable to take part in the school".'
- 'At my Christian High School I was approached by a parent of a schoolmate who informed me that I was 'Bringing an unwholesome agenda into the school' followed by various statements about satan, sin etc etc. I spoke with the principal of the school, and eventually left the school as I felt as though I was being deliberately but subtly rejected'.
- 'teachers make your life hell so you leave because [then] they can't expel you.'⁵¹

- **Students living with economic and social disadvantage**

There appears to be a broad alignment between school exclusion and economic and social disadvantage. For example, in a 2010 survey of over 8,000 Australian students in Years 6 and 8 in Victoria, Queensland and WA, Sheryl Hemphill et al found that even when factors such as 'poor family management', 'academic failure' and 'interaction with antisocial peers' were controlled for, suspensions were still disproportionately common in lower SES communities. The average rate of school suspension ranged from 2.9% in the highest SES areas to 8.7% in the lowest. This appeared to relate to the greater stresses placed on school staff and families in disadvantaged communities, where principals may respond with 'get tough' policies in the name of maintaining control.⁵²

Victoria's *On Track* data for 2015 shows that the rate at which young people self-report being expelled or asked to leave their schools varies considerably around the state. As discussed earlier, we must treat the *On Track* findings about expulsion with caution. However, the *On Track* data is suggestive of the following:

- Expulsion rates are disproportionately high in interface LGAs. In 7 out of 10 interface LGAs, the rate of expulsion was higher than the state average, most strikingly in Mitchell, Whittlesea and Cardinia.[‡]
- Regional cities show considerable variety, but half of them – Ballarat, Geelong, Shepparton, Warrnambool and Wangaratta – showed a rate of expulsions higher than the state average.
- Expulsions appear to be much rarer in rural shires than in other parts of Victoria; approximately 83% of rural shires recorded no expulsions in the previous year. However, two rural shires – Northern Grampians and Hindmarsh shire – reported expulsion rates more than double the state average. (These should be treated cautiously, though, given the small numbers of students involved.)
- The inner and middle suburbs of Melbourne showed great variety. Most LGAs recorded no expulsions or a lower than average expulsion rate. However, there were several – including Moreland, Kingston and Stonnington – which recorded expulsion rates much higher than the state average.⁵³

The above findings suggest that the risk of being expelled from school is higher in communities which are experiencing rapid growth and change, and where there are unusually large and rising numbers of young people.

Socio-economic disadvantage is likely to be relevant too, but the relationship between disadvantage and expulsion rates is not a simple, automatic one. For example:

- Some LGAs which recorded higher than average rates of expulsion through *On Track* also have high local rates of socio-economic disadvantage, as defined by the Australian Bureau of Statistics' Socio-Economic Indexes for Area (SEIFA,

[‡] Note: we have used the definition of interface councils given by the Victorian Government in their 2015 Interface Growth Fund: Cardinia, Casey, Hume, Melton, Mitchell, Mornington Peninsula, Nillumbik, Whittlesea, Wyndham and Yarra Ranges (<http://www.vic.gov.au/news/interface-growth-fund.html>)

2011). These LGAs included Dandenong, Shepparton, Brimbank, Northern Grampians, Hindmarsh and Moira.

- However, higher than average expulsion rates were also reported in a couple of generally high-income LGAs like Stonnington and Kingston.
- Around half the LGAs which showed higher than average expulsion rates would be ranked in the *least disadvantaged* 50% of Victorian LGAs according to SEIFA. However some of these LGAs – such as Geelong, Whittlesea, Mornington Peninsula, Frankston and Melton – are known to include communities experiencing severe disadvantage.⁵⁴

Thus, to truly understand the relationship between expulsion and disadvantage, more comprehensive and localised data is needed. It is also important to consider the findings of Samia Michail’s literature review into school exclusions, which found that school exclusions were related to disadvantage but were also affected by factors like school size, culture, location, leadership and parental engagement.⁵⁵

What alternative approaches exist?

- **A framework of human rights and natural justice**

The UN Convention on the Rights of the Child (anyone aged under 18) recognises children’s right to education. Article 28 specifies that state parties should:

- Take measures to encourage regular attendance at schools and the reduction of drop-out rates
- Make primary education compulsory and available free to all
- Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need
- Make higher education accessible to all on the basis of capacity by every appropriate means
- Make educational and vocational information and guidance available and accessible to all children.

Article 23 also asserts that state parties recognise that children with disabilities ‘should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.’ To this end, children with disabilities are recognised as having a right to assistance designed to ensure (amongst other things) that the child has effective access to, and receives, education, training and ‘preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development’.⁵⁶

If a student is excluded from a Victorian school and has no realistic access to other adequate, appropriate educational pathways, this could be seen as contravening the above articles.

It could also be valuable to approach a student's engagement in school in terms of natural justice. Broadly, a natural justice approach ensures that people facing a ‘charge’ are fully informed about the case against them, given the right to a meaningful hearing, and are guaranteed that decisions will be made only on a sound evidence base and by people who do not have a personal interest in the outcome.⁵⁷

In theory, DET regulations give certain guarantees about students' access to Behaviour Review Conferences and DET reviews in cases of expulsion. However, the fact that DET is not obliged to convene a review committee in cases of expulsion (even when a challenge has been mounted) and the fact that a student can be expelled without much further discussion if they or their parents do not attend the Behavioural Review Conference or mount an appeal within ten days, suggests that even these models may not provide significant protection. Moreover, there are very few formal protections in place in relation to suspensions and informal exclusions, and the research and anecdotal evidence indicates that many excluded students do not fully understand why they've been removed from school, may often feel that they've been removed due to personal conflict with decision-makers, and have little experience of being listened to in relation to their education. All of this suggests that the principles of natural justice are not being well observed here.

At present the regulations concerning suspension and expulsion do not appear to make reference to the Convention or natural justice. Rather, according to DET, Ministerial Order 625 must be interpreted and applied under the Charter of Human Rights and Responsibilities and implemented in a manner consistent with the Charter.⁵⁸

However, the Victorian Charter focuses primarily on civil and political rights, and makes no mention of education at all. The Charter does state, in very general terms, ‘Every child [anyone under 18] has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.’⁵⁹

While school exclusion is usually contrary to a child’s ‘best interests’, and while higher rates of exclusion amongst disadvantaged groups would be suggestive of substantive inequality, we argue that the above provision is so vague as to provide little or no real protection.

- **Partnerships with youth and community services**

YACVic has welcomed the Victorian Government’s continued commitment to education support and brokerage bodies such as the School Focused Youth Service and LLENs, which have a strong history of supporting cross-sector partnerships concerning school engagement. It is important this collaborative approach is maintained and strengthened.

Youth support services often work with students who are disengaged, or at risk of disengaging, from school. In 2013, when YACVic and the Victorian Council of Social Service surveyed 213 Victorian services working with young people, nearly 40% reported that they had observed service gaps in the field of education. Education was the fourth most common area where gaps in service provision were reported.⁶⁰

More specifically, in 2012 Youth Action NSW surveyed over 250 youth service representatives and found that 90% reported working with young people who had been suspended from school. Almost three quarters of these youth service representatives claimed they had experienced an example of a student being unfairly excluded from

school. Common concerns raised by these services included confusion about the laws regarding suspension and expulsion – this confusion seemed to affect both youth services and schools themselves – and the disproportionate impact of school exclusion on students with a disability, students in out-of-home care, and Aboriginal students. Several respondents raised particular concerns about suspensions and expulsions being used to remove students with autism spectrum conditions.⁶¹

While this is an interstate study, it echoes concerns raised by Victorian services. Moreover, it is a reminder of the importance of engaging youth support services in policy-making around suspensions and expulsions. Many students removed from school are also clients of youth and community services. Relationships between services and schools can vary, and services can find themselves dealing with significant flow-on effects following a suspension or expulsion. For example, UnitingCare NSW, a major provider of out-of-home care services, has reflected that a student's exclusion from school often places significant strain on a care placement and can lead to placement breakdown.⁶²

- **More therapeutic classroom practice**

In many cases where a student's disengagement or behavioural problems are serious enough to provoke exclusion from school, these behaviours are being informed by issues of trauma and/or mental illness. While we do not suggest that teachers should be required to act as health practitioners, we maintain that better support for school staff to understand, recognise and respond to these issues would help to produce more positive, productive and connected classrooms.

One key example of trauma-informed practice is outlined by the Calmer Classrooms model, developed by Berry Street Victoria for the Child Safety Commissioner. This guide supports teachers and other school staff to understand traumatised children and develop relationship-based skills to help them. The guide explains the impact of abuse and neglect on children's development and learning, including their cognitive, language, motor and socialisation skills and their ability to understand and regulate their emotions and behaviours.

The guide empowers teachers to create connections with students who have experienced trauma, with approaches including:

- Understanding the student, their history, the reasons behind their behaviour, and the fact that they may be developmentally ‘younger’ than their peers.
- Recognising that warnings and ‘last chances’ often do not work with students who have grown up in chaotic, frightening households. Other strategies may be needed to help the student comply with instructions.
- Setting very regular routines and structures, and paying attention to reducing the student’s anxiety at points of change – for example, they may need an adult or an older, responsible student to help them move between classes and organise the right books, equipment, clothing etc.
- Using natural consequences for unacceptable behaviour – ie, consequences which relate directly to the student’s behaviour – and making sure the student understands these consequences, rather than imposing unexplained, random punishments. Examples include ‘Since it took you longer than ten minutes to clean up the table, we have run out of time for you to have time on the computer’, or ‘Instead of going outside at recess I want you to stay with me and we will put all the books back on the shelves that you tipped on the floor.’ In particular, where a student has harmed another person, the focus should be on apologising and working to restore the relationship.
- Use ‘time in’ rather than ‘time out’ – for example, instructing a disruptive student to sit beside the teacher to complete their work, rather than sending them out of the classroom. For traumatised students, ‘time out’ may replicate their sense of being marginalised and unwanted. Teachers need the capacity and support to draw the student closer and recognise that their disruptive behaviour may be a sign they need extra help.
- Praising positive choices by the student and enabling them to make decisions about what they can do.
- Where a student is given to aggressive outbursts, have a detailed plan of action worked out ahead of time. The student and their parents or carers should be involved in creating this plan, so they understand, accept and engage with it. The plan should prioritise the safety of everyone involved; in a dangerous incident the student should be moved to a place they regard as safe (agreed ahead of

time) and be supported by adults they know and trust. When the student has calmed down, they should be supported to discuss what happened, give their version of events and hear how other people experienced it. Consequences should be proportional and natural to the behaviour – e.g. paying to have broken items repaired or helping to fix them.

- Supporting teachers to manage their own emotions, keeping in mind that it is common for students who have been traumatised to try to provoke adults through anger or manipulative behaviours, to recreate the tensions they are used to at home. Teachers should be supported to set a calm, respectful tone for the relationship, and should be enabled to leave the situation in the hands of another adult briefly, if the teacher needs to take ‘time out’ themselves.
- Understanding and responding to the particular circumstances of Aboriginal students. This includes their high vulnerability to certain health problems which may affect their academic performance. It is important to ensure Aboriginal cultures and histories have a meaningful, respected place within the curriculum, that students and teachers can access the help of appropriate Aboriginal liaison and support staff, and that school staff can build strong relationships with children and families who may feel alienated from school and intimidated by teachers.

The guide also discusses the importance of supporting school staff to practice self-care and take part in wider care systems.

Calmer Classrooms is highly regarded by many in the education and youth sectors, but there has not been universal uptake, and many school staff have not heard of it.

Similarly, youth mental health interventions such as MindMatters, Youth Mental Health First Aid, and Teen Mental Health First Aid provide strong guidelines for schools to build the mental health literacy of staff and students and empower school communities to intervene early when a young person is showing signs of a mental health problem. YACVic has recommended that the Victorian Government work with Mental Health First Aid Australia, the School Focused Youth Service and principals towards an eventual goal of making Teen Mental Health First Aid training available to all Victorian secondary

students, and making Youth Mental Health First Aid training available to staff and parents at all Victorian secondary schools.

When improving classroom practice in relation to mental illness and trauma, schools must also have adequate access to expert counsellors, psychologists and properly qualified wellbeing staff. This can be supported by strong, managed partnerships with relevant community and health agencies. Historically, the School Focused Youth Service and local government youth development units have played an important role in brokering such partnerships.

- **Strong whole-of-school and collaborative approaches**

While the Victorian Government has made many welcome commitments to strengthening student engagement in schools, a frequent message from our stakeholders is that adequate support and management is needed to ensure that positive, evidence-based interventions are actually carried out in practice. For example, concerns are often raised about how well schools and other stakeholders understand and abide by the Out-of-Home Care Education Commitment.

Meanwhile, the literature on school exclusions points us towards a number of good practices which should be used to inform the operations of mainstream and specialist schools, as well as the Navigator pilot, LOOKOUT centres and School Focused Youth Service. We outline these research findings here, but encourage policy makers and practitioners to engage with the original research.

In her recent literature review of 56 journal articles about suspension and expulsion, Samia Michail identifies common features of programs which have demonstrated success in reducing challenging behaviour by students. These include:

- A multi-tiered response, which includes primary prevention work with all students in the school, secondary interventions with students at risk of exclusion for behavioural issues, and tertiary interventions with students who have been excluded, to keep them engaged with learning and avoid future exclusions.

- Collaborative responses which engage student, their family and their community to develop strategies to improve the student's behaviour. Whole-of-school approaches may be needed (particularly in the field of prevention), but a student facing disengagement may also benefit from the help of support staff who are able to cross several domains where necessary (eg schools, youth justice, mental health) to provide the student with consistent, wrap-around support.
- Fostering strong, positive relationships between the student and supportive adults within or connected to the school, such as teachers, counsellors, mentors and mental health workers. There should also be an emphasis on restoring and rebuilding good relationships between students and staff where these have been damaged. For example, some interventions require students who have been suspended to meet several times a week with a teacher following their return to school, with a focus on catching up on missed work and renewing their connection to the school and its staff. The employment of school-based social workers or similar expert support staff can be important in facilitating all this.
- A restorative justice approach to discipline, which emphasises preventing conflict and harm and re-establishing and strengthening positive relationships where harm has occurred.

Michail's research also pointed to the value of engaging students in meaningful decision-making to enhance their education, address their problems, take responsibility for their actions and lead positive change within their school community. To enable such positive work to take place, schools will need supported partnerships with community organisations and adequate, expert wellbeing staff who can work together to develop tailored responses across the home and school environment to address the learning and wellbeing needs of students.⁶³

Other research has produced similar findings. For example, Quin and Hemphill (2014) found that the need for suspension appeared to diminish in schools where there were strong expectations of family involvement in school, high expectations of what students could achieve, and effective and engaging teaching and behavioural management strategies.⁶⁴

We have been particularly impressed by targeted initiatives in some communities supported by the School Focused Youth Service. One example is the School Focused Youth Service Initiative provided by Launch Housing program Homeless Children's Specialist Support Service – Educational Assessments, delivered in Port Phillip as part of the SFYS for Stonnington/Port Phillip/Glen Eira. This intervention links students who have experienced homelessness and / or family violence with specialist educational support, in recognition of the fact that these students have often attended many schools and have a high risk of disengagement and exclusion. As such, the regular school wellbeing staff may struggle to work with the student in a timely, adequate manner. In response, the specialist program works proactively and directly to engage families who are clients of homelessness support services (rather than waiting for the schools to engage them). Where families are willing, sessions are arranged with a psychologist to assess the student's cognitive, educational and social/behavioural needs. The findings and recommendations of these sessions are then discussed with the student's carers, teachers and school welfare coordinators, who are then supported to put the recommendations into practice.

The initiative has shown good initial success in strengthening students' school engagement and confidence. It has also been especially effective in facilitating better communication and collaboration between parents/carers and school staff – previously, the dynamic and understanding between these two groups was often poor. Specific interventions like this can be very important in forging networks between students, families, school staff and psychologists, combating the isolation and marginalisation of many students who have been homeless or experienced family violence. The focus on working with the student in the context of their family was also found to be significant and effective.⁶⁵

Also important is the active engagement of students in their own education. In a 2014 survey of 1,750 South Australian teachers (secondary and primary), Anna Sullivan et al found that the most common problems teachers reported with classroom behaviour – and the ones they tended to find hardest to cope with – were not extreme anti-social behaviours, but rather persistent, low-level disruptive behaviours and student disengagement. While teachers commonly reported using disciplinary approaches to confront these issues (culminating in suspension), there was little evidence that

punitive approaches improved student engagement. The researchers urged that a strong focus on active student decision-making was needed instead.⁶⁶

Other approaches to preventing and responding to difficult and disengaged behaviours, commonly mentioned to us by practitioners in the youth and education sectors, include:

- One-on-one restorative practice between students and teachers.
- An emphasis on building strong relationships between students, teachers, wellbeing staff and families.
- Support for students to study the subjects they are genuinely interested in.
- Small class sizes with individualised attention to students who are struggling.
- A calm, welcoming environment which reduces student feelings of anxiety and other mental illness.
- Trauma informed classroom practice, including no yelling or aggressive behaviour by teachers.
- Genuine dialogue with students and families about what sort of classroom environments are effective in keeping a student calm and able to concentrate. (This is especially important in relation to students with cognitive disabilities, some of whom unfortunately find that school staff do not listen to them or their families about what makes them feel calm. This problem is reported in specialist schools, as well as mainstream ones.)

The existing research concerning suspensions, as well as comments from our stakeholders, suggests that if suspensions are to be practiced, in-school models are generally preferable to out-of-school ones. The resource produced by the Centre for Adolescent Health, Murdoch Children's Research Institute, recommends that any suspensions should involve close monitoring and re-integration of the student afterwards, purposeful and personalised activities for them to complete while suspended, restorative practices which bring together the people affected by the student's behaviour to develop shared solutions to problems, and interventions which enhance the student's social, interpersonal and anger management skills and link them to health and wellbeing supports.⁶⁷

Recommendations – for stakeholder comment

Excluding students rarely helps to improve their behaviour or school engagement. Indeed it is more likely to worsen disengagement and further entrench the disadvantages already experienced by some young people. Nor are high rates of exclusion associated with positive, cohesive school communities. Thus, it is vital to consider effective alternatives to excluding a young person from school.

YACVic recommends that 11 areas of reform are needed to prevent and reduce rates of school exclusion. In this discussion paper, we invite our stakeholders in the youth and education sectors to feed into these broad recommendations – see the prompting questions below.

Recommendation 1 – review and evaluate the current approach to student exclusions

In light of the seriousness of the issue, and the change in policy focus since the introduction of Ministerial Order No. 625 – especially the shift in emphasis from school autonomy to a more coordinated, integrated Education State – we recommend the Victorian Government review and evaluate the effectiveness of current policies and practices concerning school exclusion. Points to be considered should include:

- The impact of suspensions and expulsions on student engagement and retention
- The adequacy of support for schools and students to understand and abide by DET policies and practices concerning exclusion
- The effectiveness, transparency and fairness of these policies and practices, including review and appeal procedures
- In particular, whether the policies and practices designed to protect and strengthen the school engagement of students in out-of-home care, Aboriginal students, and students with a disability, are being understood, supported and implemented by schools and DET
- Whether the current data collected by DET adequately captures the extent of school exclusion, especially in relation to the abovementioned cohorts of students.

We would stress the importance of considering not only the numbers of formal suspensions and expulsions, but also the allegedly more prevalent issue of students being urged to leave their school through expulsion-like processes.

Moreover, we would reiterate that it is vital not only to review the policies and recommended practices as they exist 'on paper', but also to scope how well they are being implemented within schools and DET. (YACVic would suggest that this is often where the real difficulties lie.)

- **Stakeholder question: Do you think such an evaluation of DET policies and practices would be useful at this point? If so, are there any other points a reviewer should pay particular attention to?**

Recommendation 2 – key commitments

We suggest that reforms undertaken as part of the Education State include:

- Recognition of school exclusion as a key risk factor for student disengagement
- Recognition that chronic school disengagement and serious disruptive behaviours are often signs of unaddressed learning difficulties, unsupported disability, poor mental health, trauma or caring responsibilities. As such, purely punitive approaches to discipline are unlikely to have the desired impact; therapeutic and educational support interventions are also needed.
- Recognition that a young person facing exclusion from school is entitled to natural justice, including a clear understanding of the accusations they are facing and the processes involved and a meaningful, supported opportunity to respond.
- A commitment to preventing and reducing school exclusion.

We suggest this would align well with the objectives the Navigator, LOOKOUT and School Focused Youth Service programs – but reducing exclusion should also be a core obligation of DET and mainstream schools.

- **Stakeholder question: Has YACVic captured the key commitments needed from the Victorian Government to guide future efforts to effectively prevent and reduce exclusion of students from school? Are any other foundational commitments needed here?**

Recommendation 3 – collate, analyse and make available the relevant data

Make publically available the numbers of students suspended and expelled from Victorian secondary schools each year. It would be ideal if figures were provided going back several years (for example until at least 2011), to allow identification of any changes in recent years. This reporting should include a breakdown of the numbers of suspended or expelled students who are living in out-of-home care, who have a disability, or who are Aboriginal or Torres Strait Islander.

Where possible, this reporting should include a broad regional breakdown, with appropriate steps taken to de-identify schools, communities and students. Ideally, data should also be collected on students who are informally excluded from their school. While this will be a more difficult task, the Disengaged Students Register may provide an opportunity to collect and share such information, and insights may be available from *On Track*, which surveys former students about ‘getting into trouble’ or ‘being asked to leave’.

When approaching this work, we suggest the Victorian Government be guided by the findings of local partnership groups who have already undertaken data collection and analysis on school exclusion at a local level. Here, the expertise of LLENs, SFYS, local government and local youth services will be important.

It would also be ideal to make available, through *On Track* or similar, more data about the educational, training or employment pathways for expelled students from Victorian schools six months after an expulsion.

- **Stakeholder question: Has YACVic captured what is needed in terms of data collection and analysis concerning school exclusion? Do you know of relevant local interventions which should guide Victorian Government work in this space?**

Recommendation 4 – building schools’ expertise in trauma and mental health

Provide adequate, ongoing, state-wide support for schools to develop trauma informed practice and build literacy and first aid skills in relation to youth mental health. Reputable models include Calmer Classrooms (Berry Street Victoria for the Child Safety Commissioner), MindMatters, Youth Mental Health First Aid, and Teen Mental Health First Aid.

- **Stakeholder question: Are there other approaches that are necessary to build schools’ ability to work appropriately with students experiencing trauma or mental illness, to prevent exclusion? What supports and structures must be in place to ensure schools can take advantage of such models?**

Recommendation 5 – evidence-based alternatives to exclusion

Promote approaches to prevent and reduce exclusion, including alternative responses when a student is disengaged or exhibiting disruptive behaviours. These approaches should have a strong evidence base and be guided by research and evaluation – see the literature discussed on page 35. Opportunities could exist to promote these approaches via the SFYS, LOOKOUT and Navigator models.

Effective approaches will include:

- Primary prevention, secondary interventions for at-risk students, and tertiary interventions for students who have been excluded.
- Holistic approaches which address both the learning and wellbeing needs of the student.
- Collaborative strategies for re-engagement involving the student, their family and their community.
- Strong relationship-building and restoration between the student and supportive adults.
- Engagement of the student in meaningful decision-making.
- Expert support from community organisations and wellbeing staff.
- Promotion of a culture of positive high expectations about students’ potential and the strengths and engagement of their families.

- If suspensions are practised, adopt the supervised, in-school models discussed by the Centre for Adolescent Health, Murdoch Children’s Research Institute
- **Stakeholder question: Has YACVic captured the key approaches to preventing exclusion and promoting alternative responses to engagement / disciplinary problems? (See also p.35) Are there other key approaches you would recommend?**

Recommendation 6 – prevent exclusion of students in out-of-home care

Strengthen approaches to preventing and countering exclusion of students in care, who are recognised as highly vulnerable to poor educational and life outcomes. This approach should be in line with the Out-of-Home Care Education Commitment and supported by the upcoming LOOKOUT model.

YACVic’s recommendations to the LOOKOUT consultation included:

- Work towards clear outcomes – these should include reducing the number and severity of school exclusions of students in care.
- Work to ensure that schools understand and fulfil their obligations to students in care, as outlined in the Education Commitment.
- Include a strong focus on disability and school engagement.
- Ensure that students in care have timely access to appropriate school uniforms, transport support, tutoring and mentoring where needed.
- Ensure adequate wellbeing supports are in place on the ground, including the School Nursing Program and Student Support Services.
- **Stakeholder question: What other directions are needed to prevent and reduce the exclusion from school of students in out-of-home care?**

Recommendation 7 – prevent exclusion of students with disabilities

Implement the relevant recommendations of VEOHRC’s *Held Back* report. These included:

- ‘Education authorities collect and annually publish aggregate data on the number of suspensions and expulsions of students with disabilities from schools.’
- ‘All Victorian schools report on the number of suspensions and expulsions of students with disability as part of their cyclical review to maintain registration as a school.’
- ‘Noting that some Victorian schools already have a “no suspension or expulsion of students with disability” policy, that this approach be examined by relevant education authorities with a view to mandating this in all schools.’
- ‘Noting the findings of the Report of the Review of Disability Standards for Education 2005, and the Victorian Auditor-General’s audit of programs for students with special learning needs, that any reduced attendance arrangements for a student with disability be consistent with Victorian laws, be time limited; accompanied by a return to school plan and: a. approved by the student support group; b. recorded in the student’s individual learning plan; c. in government schools, that this individual learning plan be submitted to the regional disability coordinator so they may monitor the student’s return to school.’
- ‘Government schools submit data to the Student Wellbeing Division, Department of Education and Early Childhood Development on the number, type, frequency, length and reason for reduced attendance patterns of students with disabilities as part of the mid-year school census and that this information be published in aggregate form in the department’s annual report. In the first instance, this could relate to students eligible for Program for Students with Disabilities funding, and thereafter all students with disabilities.’
- ‘The Department of Education and Early Childhood Development and the Department of Human Services develop a protocol for sharing information regarding students with disabilities on reduced attendance arrangements, and those excluded or frequently suspended from school. This should be developed in consultation with the Privacy Commissioner and the Child Safety Commissioner.’
- ‘The Department of Human Services and the Department of Education and Early Childhood Development work together to improve consistency in behaviour supports for students with disabilities.’⁶⁸

- **Stakeholder question: What other directions are needed to prevent and reduce the exclusion from school of students with disabilities?**

Recommendation 8 – prevent exclusion of Aboriginal students

When developing the new Aboriginal education strategy (currently underway) ensure this is informed by a strong focus on reducing exclusions from school – formal and informal – and on building the cultural competence of school staff and strengthening relationships between school staff, students and families. The Commissioner for Aboriginal Children and Young People has highlighted school exclusion as a serious concern, and his office must be fully involved in this planning process.

- **Stakeholder question: What other directions are needed to prevent and reduce the exclusion of Aboriginal students from school?**

Recommendation 9 – prevent exclusion of same sex attracted and sex/gender diverse students

Continue to support and strengthen the Safe Schools Coalition Victoria to assist schools to create inclusive, safe and welcoming learning environments for students of all genders and sexualities. Work with Safe Schools Coalition Victoria to extend their teacher training and resources into more independent and Catholic secondary schools.

- **Stakeholder question: What other directions are needed to prevent and reduce the exclusion of same sex attracted and sex/gender diverse students from school?**

Recommendation 10 – support appropriate transitions, not exclusions

Strong partnerships must be supported between primary and secondary schools and the state, Catholic and independent sectors to properly manage student transitions.

In particular, a mandatory, consistent model of transition planning between primary and secondary schools is needed, with adequate support for schools to understand their obligations, including around appropriate disclosures of information.

Where all parties come to a genuine and meaningful agreement that a secondary student would thrive better in a different environment, the focus should be on well planned and supported transitions. The student and their family should be actively engaged in decision-making, along with appropriate community based services and professional not-for-profit advocates where necessary. It can also be valuable to ensure that a student's connection to their school wellbeing team does not cease as soon as they exit the school; adequately trained wellbeing staff can play a critical role in supporting a student through a transition and monitoring and evaluating their pathways beyond the school.

- **Stakeholder question: Do you agree with this approach to transitions? What other key approaches should government be adopting here?**

Recommendation 11 – strengthen best-practice flexible learning settings, where appropriate

YACVic maintains that schools have strong responsibilities towards all their students. We would not support any attempt to use flexible learning and VET settings as 'dumping grounds' for students whom a mainstream school has failed to educate.

However, we also recognise that some young people will want to take a vocational pathway which their local secondary school does not offer. Furthermore, positive changes to school cultures do not happen overnight, and some young people will find their mainstream school so inappropriate to their needs that an alternative setting is crucial to keeping them engaged with education here and now.

If every disengaged student returned to a mainstream school now, a Student Resource Package would have to be made available to support their education. Therefore it seems reasonable to make available some equivalent funding package to support re-engagement either into a mainstream school or an alternative or community-based vocational setting.

YACVic has welcomed the establishment of the Navigator pilot, but as it will only operate in certain communities and its funding period is limited, it is also important to support a range of other interventions.

We note the work of Associate Professor Kitty Riele in identifying the characteristics of successful flexible learning programs, and her development of the Framework of Quality Flexible Learning Programs (FQLP). Where flexible learning settings are developed (inside or outside of schools), it is important that they operate within such a strong quality assurance framework.⁶⁹

- **Stakeholder question: Do you agree with this approach to flexible learning? What other approaches should government be adopting here?**

We would be delighted to discuss these issues further with you. Please contact YACVic's policy manager, Dr Jessie Mitchell, on policy@yacvic.org.au or 9267 3722.

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- ¹ Victorian Government, 'The Education State: Consultation Paper,' Melbourne, 2015, p.3
- ² Foundation for Young Australians (FYA), *How Young People Are Faring in the Transition from School to Work*, 2014, <http://unlimitedpotential.fya.org.au/wp-content/uploads/2014/10/NVCER-report-FINAL-single-pages.pdf> ; FYA, *The new work order: Ensuring young Australians have skills and experience for the jobs of the future, not the past*, Sydney, 2015
- ³ Victorian Government Department of Education and Training (DET), 'New Participation Age Requirements - Frequently Asked Questions, accessed 18 January 2016, <http://www.education.vic.gov.au/about/department/legislation/pages/act2006age.aspx#5>
- ⁴ Victorian Government, 'Navigator: Program overview and specifications,' March 2016, p.1 <http://www.education.vic.gov.au/Documents/about/educationstate/navigator-program-overview-and-specifications.pdf>
- ⁵ Australian Bureau of Statistics (ABS), 'Labour Force', 6202.0, December 2015, p.5, 13, 25
- ⁶ United Nations Human Rights, Office of the High Commissioner, 'Convention on the Rights of the Child,' 1989, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
- ⁷ Youth Affairs Council of Victoria (YACVic), *Code of Ethical Practice - A First Step for the Victorian Youth Sector*, Melbourne, 2008, pp.3
- ⁸ YACVic, 'Building an Education State for All: YACVic welcomes new investment in young people's futures,' 17 September 2015, <http://www.yacvic.org.au/policy-publications/publications-listed-by-policy-area/27-education-and-training/621-yacvic-s-response-to-the-government-s-education-state-schools-funding-commitment>; YACVic, 'An Education State for All: A submission to the Victorian Government's consultation on 'The Education State'', July 2015, <http://www.yacvic.org.au/policy-publications/publications-listed-by-policy-area/27-education-and-training/607-an-education-state-for-all>
- ⁹ Victorian Government, 'School Focused Youth Service: Supporting vulnerable young people to remain connected to education, Guidelines 2016-17', Melbourne, 2016, p.25
- ¹⁰ Victorian Government, 'Navigator: Program overview and specifications,' March 2016, p.2
- ¹¹ Victorian Government, 'School Focused Youth Service: Supporting vulnerable young people to remain connected to education, Guidelines 2016-17'
- ¹² Victorian Government, 'LOOKOUT Education Support Centres Consultation Paper,' March 2016
- ¹³ Victorian Government, School Focused Youth Service: Supporting vulnerable young people to remain connected to education, Guidelines 2016-17', p.9
- ¹⁴ Victoria University, 'Education offers hope to young offenders,' Monday 14 December 2015, <https://www.vu.edu.au/news-events/news/education-offers-hope-to-young-offenders>
- ¹⁵ Victorian Government, 'School Focused Youth Service: Supporting vulnerable young people to remain connected to education, Guidelines 2016-17', p.5
- ¹⁶ Victorian Government, 'Education State: Schools,' Melbourne, 2015, p.11
- ¹⁷ Ministerial Order No. 625 - Procedures for Suspension and Expulsion, 1 March 2014, <http://www.education.vic.gov.au/Documents/school/principals/participation/minorder625.PDF> For supplementary information about suspension and expulsion procedures, see DET , 'Disciplinary measures', accessed April 2016, <http://www.education.vic.gov.au/school/principals/participation/Pages/discipline.aspx> ; DET, 'Expulsion Appeal', accessed April 2016, <http://www.education.vic.gov.au/school/principals/participation/Pages/expulsionappeal.aspx> ; DET, 'Frequently Asked Questions', accessed April 2016, <http://www.education.vic.gov.au/school/parents/behaviour/Pages/faqs.aspx> ; DET, 'Suspension Considerations,' accessed April 2016, <http://www.education.vic.gov.au/school/principals/participation/Pages/suspensionconsiderations.aspx> ; Martin Dixon MP, 'New Principal discretion on suspension and expulsion', Media release January 4, 2014; Youthlaw, 'Your Rights at School: Suspension' and 'Your Rights at School: Expulsion', 2014. Also DET, 'Support and Resources for Specific Groups of Students' - <http://www.education.vic.gov.au/school/principals/participation/Pages/specifichsupport.aspx> ; DET, 'Identifying a Relevant Person,' <http://www.education.vic.gov.au/school/principals/participation/Pages/relevantperson.aspx>;

DET, 'Fact sheet for parents and carers of Koorie children and young people - New suspension and expulsion procedures', 2014.

¹⁸ Victorian Government Hansard, School antibullying program, 18 September 2014 and 15 October 2014, Legislative Assembly

¹⁹ DET, 'Frequently Asked Questions',

<http://www.education.vic.gov.au/school/parents/behaviour/Pages/faqs.aspx>; Ministerial Order No. 625 - Procedures for Suspension and Expulsion, 1 March 2014

²⁰ DET, 'Expulsion Process', accessed March 2016,

<http://www.education.vic.gov.au/school/principals/participation/Pages/expulsionprocess.aspx>

²¹ Hume Whittlesea LLEN, 'The Hume Under 16 Project: Out of School - Out of Sight, Final Report', June 2012, p.5

<http://www.hwllen.com.au/images/final%20hume%20u16%20report%2012%20june.pdf>; Hume Whittlesea Youth Connections Consortium, Hume Whittlesea Local Learning and Employment Network Inc and Whittlesea Youth Commitment / HWLLEN, 'The Whittlesea Under 16 Project', March 2013, p.5

<http://www.hwllen.com.au/images/whittlesea%20u16%20final%20report%2014%20march.pdf>;

Inner Northern Youth Connections Consortium (NMIT) and Inner Northern Local Learning and Employment Network Inc, 'Darebin Under 16 Project - Improving Education Engagement,'

December 2012, pp.5-6, <http://inllen.org.au/wp-content/uploads/2014/08/Darebin-U-16-Final-Report-December-2012.pdf>;

Inner Northern Youth Connections Consortium (NMIT), Moreland City Council, Crossroads, Salvation Army, Inner Northern Local Learning and Employment Network, 'U16: Invisible & Ineligible...The Moreland Under 16 Project', November 2011, p.6

<http://inllen.org.au/wp-content/uploads/2014/08/Moreland-Under-16-Report-Final-1.pdf>; Cox, 2012, Banyule Nillumbik Under 16 Project, Banyule Nillumbik Local Learning and Employment Network, pp.6, 25, 28

²² Herald Sun, 'Victorian primary school student expel numbers double in two years,' 3 April 2016

²³ Herald Sun, 16 January 2011, '236 kids expelled, 14,000 suspended'; Herald Sun, 14 July 2014; Herald Sun, 'Primary-aged students expelled and suspended in rising numbers as schools grapple with unruly kids,' June 08, 2014; Herald Sun, 'Suspending students from school mostly a bad idea,' March 28 2014; Herald Sun, 'Suspending or expelling unruly students unfair, study warns'. Also The Age, 'Students to face fast-track expulsion,' October 13, 2013

²⁴ Victorian Government DET, *On Track Survey 2015: The destinations of school leavers in Victoria, Statewide Report*, Melbourne, 2015, p.37; Victorian Government, *The On Track Survey 2010: The Destinations of School Leavers in Victoria - Statewide Report*, Melbourne, DEECD, pp.113-14; Victorian Government, *The On Track Survey 2009: The Destinations of School Leavers in Victoria - Statewide Report*, Melbourne, DEECD, 2009, pp.101-2

²⁵ Victorian Government, *On Track Survey*, 2015, p.3

²⁶ Victorian Government, *State of Victoria's Children 2010*, Melbourne, DEECD, 2011, p.194

²⁷ Victorian Government Hansard, Education: schools - student expulsion, 17 April 2013, Legislative Council; Victorian Equal Opportunity and Human Rights Commission, *Held Back: The Experiences of Students with Disabilities in Victorian Schools*, Melbourne, 2012, p.93

²⁸ Central Highlands Children & Youth Area Partnership, ' "Straight Up": The Lived Experience of Central Highlands Youth,' August 2015, http://www.highlandslen.org/site_images/DS-images/documents/CHCYAP%20Report%20FINAL%20MERGED.pdf

²⁹ Samia Michail, Principal Researcher - Program Development, UnitingCare Children, People and Families Parramatta NSW, 'Understanding School Responses to Students' Challenging Behaviour,' 2011, p.2

<http://www.education.vic.gov.au/Documents/about/programs/pathways/youthpartnerships/Understanding%20School%20Responses%20to%20Students.pdf>

³⁰ Jacqueline Homel, Astghik Mavisakalyan, Ha Trong Nguyen, Chris Ryan, *School completion: what we learn from different measures of family background*, Longitudinal Surveys Of Australian Youth, Research Report 59, 2012, pp.31-32. See also Toni Beauchamp (Social Policy and Advocacy Team, Social Justice Unit, UnitingCare Children, Young People and Families), 'Addressing high rates of school suspension', UnitingCare, Parramatta, October 2012, p.7

- ³¹ Beauchamp, 'Addressing high rates of school suspension', p.7; Daniel Quin and Sheryl Hemphill, 'Students' experiences of school suspension,' *Health Promotion Journal of Australia: Official Journal of Australian Association of Health Promotion Professionals*, Vol. 25, No. 1, April 2014, p.53; Sheryl A. Hemphill, John W. Toumbourou, Rachel Smith, Garth E. Kendall, Bosco Rowland, Kate Freiberg, Joanne Williams, 'Are rates of school suspension higher in socially disadvantaged neighbourhoods? An Australian study', *Health Promotion Journal of Australia*. 21 (1), 2010, p.12; Sheryl Hemphill and John Hargreaves, 'Suspension: Quick Fix or Lasting Harm?', *Teacher: The National Education Magazine*, December 2009, p.52 ; Michail, 'Understanding School Responses to Students' Challenging Behaviour'
- ³² S.A. Hemphill and J. Hargreaves, 'School suspensions - a resource for teachers and school administrators', Centre for Adolescent Health, Murdoch Childrens Research Institute, Melbourne 2010
- ³³ Hemphill et al, 'Are rates of school suspension higher in socially disadvantaged neighbourhoods?' p.53
- ³⁴ Quin and Hemphill, 'Students' experiences of school suspension,' pp.54-56
- ³⁵ Quin and Hemphill, 'Students' experiences of school suspension,' p.52
- ³⁶ Samia Michail (Research and Program Development Social Justice Unit UnitingCare Children, Young People and Families), '...because suspension dosent teach you anything' [sic] - What students with challenging behaviours say about school suspension, UnitingCare, Research Paper #8 – June 2012, pp.6-17
- ³⁷ David J. Broderick, 'Student Perspectives: Findings from Qualitative Research', PhD Candidate, Dept. Paediatrics & Dept. Public Health, University of Melbourne 2009
<http://www.rch.org.au/uploadedFiles/Main/Content/cah/DavidBroderickPresentation.pdf>
- ³⁸ Linda Randall, Lisa Morstyn and Kate Walsh (YACVic and VicSRC), *Two way street: Young people informing improvements to schools and youth services*, Melbourne, 2012, pp.13-14
- ³⁹ Victorian Government, *Out of Home Care Education Commitment, A Partnering Agreement between the Department of Human Services Department of Education and Early Childhood Development Catholic Education Commission of Victoria Independent Schools Victoria*, Melbourne, August 2011, pp.21- 22
<http://www.education.vic.gov.au/Documents/school/teachers/health/a4partnering.pdf>
- ⁴⁰ Department of Families, Housing, Community Services and Indigenous Affairs, *An outline of National Standards for Out-of-home Care*, pp.10-11
- ⁴¹ For example, see Beauchamp, 'Addressing high rates of school suspension', pp.3-7; Commission for Children and Young People, *Commission for Children and Young People Annual Report 2013-2014*, Melbourne, 2014, pp.5, 23; Hemphill and Hargreaves, 'Suspension: Quick Fix or Lasting Harm?,' p.53; Quin and Hemphill, 'Students' experiences of school suspension,' p.53; Youth Action NSW, 'School Suspension,' 2012
http://www.youthaction.org.au/school_suspension_2012
- ⁴² VEOHRC, *Held Back*, p.46, 98-104
- ⁴³ VEOHRC, *Held Back*, p.104; VEOHRC, *Desperate Measures: The relinquishment of children with disability into state care in Victoria*, Melbourne, 2012, pp.31, 57
- ⁴⁴ S. Robinson and D. McGovern, *Safe at School? Exploring safety and harm of students with cognitive disability in and around school*, Lismore, Centre for Children and Young People. Report completed for the NSW Law and Justice Foundation, 2014, p.18, 48, 63
<https://members.youthcoalition.net/sites/default/files/articles-external/Safe%20at%20School%3F.pdf>
- ⁴⁵ Michail, p.8; Toni Beauchamp (Social Policy and Advocacy Team, Social Justice Unit, UnitingCare Children, Young People and Families), 'Addressing high rates of school suspension', UnitingCare, Parramatta, OCTOBER 2012, p.4-5
- ⁴⁶ Commission for Children and Young People, *Commission for Children and Young People Annual Report 2013-2014*, Melbourne, 2014, pp.5, 23;
- ⁴⁷ Michail, 'Understanding School Responses to Students' Challenging Behaviour,' p.8
- ⁴⁸ Victorian Auditor-General's Office (VAGO), *Victorian Auditor-General's Report: Education Transitions*, March 2015, pp.xii-xiii, 23, 30, 32, 37
- ⁴⁹ Michail, 'Understanding School Responses to Students' Challenging Behaviour,' p.8

- ⁵⁰ Hume Whittlesea LLEN, 'The Hume Under 16 Project, p.16; Banyule Nillumbik Under 16', pp.6-7, 25; Inner Northern Youth Connections Consortium, 'Darebin Under 16', p.6; Inner Northern Youth Connections Consortium, 'U16: Invisible and Ineligible', p.16
- ⁵¹ Lynne Hillier, Tiffany Jones, Marisa Monagle, Naomi Overton, Luke Gahan, Jennifer Blackman, Anne Mitchell, *Writing Themselves In 3: the third national study on the sexual health and wellbeing of same sex attracted and gender questioning young people*, Australian Research Centre in Sex, Health and Society, La Trobe University, Melbourne, 2010, p.ix-xi, 52, 56, 57; K.H. Robinson, P. Bansel, N. Denson, G. Ovenden & C. Davies, *Growing Up Queer: Issues Facing Young Australians Who Are Gender Variant and Sexuality Diverse*, Young and Well Cooperative Research Centre, Melbourne, 2014, pp.v, v, viii, 26-27
- ⁵² Hemphill et al, 'Are rates of school suspension higher in socially disadvantaged neighbourhoods?', pp.14-16. See also Michail, , 'Understanding School Responses to Students' Challenging Behaviour,' p.7
- ⁵³ Victorian Government, 'LGA Reports (On Track)', 2015, <http://www.education.vic.gov.au/about/research/Pages/localgovatoz.aspx>
- ⁵⁴ See ABS, 2033.0.55.001 - Census of Population and Housing: Socio-Economic Indexes for Areas (SEIFA), Australia, 2011, 'Local Government Area, Population Distributions,' <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/2033.0.55.0012011?OpenDocument>
- ⁵⁵ Michail, , 'Understanding School Responses to Students' Challenging Behaviour,' p.7
- ⁵⁶ United Nations Human Rights, Office of the High Commissioner, 'Convention on the Rights of the Child,' 1989, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
- ⁵⁷ Ombudsman New South Wales, 'Natural justice / procedural fairness', https://www.ombo.nsw.gov.au/___data/assets/pdf_file/0017/3707/FS_PSA_14_Natural_justice_Procedural_fairness.pdf, Sydney, 2010
- ⁵⁸ DET, 'Suspension,' accessed April 2016 <http://www.education.vic.gov.au/school/principals/spag/participation/Pages/suspensions.aspx>
- ⁵⁹ Victorian Government, *Charter of Human Rights and Responsibilities Act 2006* (No. 43 of 2006, Version incorporating amendments as at 1 July 2014), pp.14-15, [http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/LTObject_Store/LTObjSt8.nsf/DDE300B846EED9C7CA257616000A3571/FDAB8CC011B06E87CA257D07000520E5/\\$FILE/06-43a013.pdfbookmarked.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/LTObject_Store/LTObjSt8.nsf/DDE300B846EED9C7CA257616000A3571/FDAB8CC011B06E87CA257D07000520E5/$FILE/06-43a013.pdfbookmarked.pdf)
- ⁶⁰ Victorian Council of Social Service (VCOSS) and YACVic, *Building the Scaffolding: Strengthening support for young people in Victoria*, Melbourne, 2013 p.53
- ⁶¹ Youth Action NSW, 'School Suspension,' 2012 http://www.youthaction.org.au/school_suspension_2012, pp.4-5, 11-12
- ⁶² Beauchamp 'Addressing high rates of school suspension', p.7
- ⁶³ Michail, 'Understanding School Responses to Students' Challenging Behaviour,' pp.ii-iii, 13, 16-18, 21, 24
- ⁶⁴ Quin and Hemphill, 'Students' experiences of school suspension,' p.53
- ⁶⁵ An evaluation of this program is being finalised at present through the Victoria Institute and Victoria University.
- ⁶⁶ Anna M Sullivan, Bruce Johnson, Larry Owens and Robert Conway, 'Punish them or engage them?: Teachers' views of unproductive student behaviours in the classroom,' *Australian Journal of Teacher Education (Online)*, Vol. 39, No. 6, 2014: 43-56
- ⁶⁷ Hemphill and Hargreaves, 'School suspensions – a resource for teachers and school administrators'
- ⁶⁸ VEOHRC, *Held Back*, pp.13-14
- ⁶⁹ Associate Professor Kitty te Riele, *Putting The Jigsaw Together: Flexible Learning Programs In Australia: Final Report*, Melbourne, The Victoria Institute, July 2014