



## Stand-down, Suspension, and Exclusion Board of Trustees Procedures

All New Zealanders between the ages of 5 and 19 have the right to a free education under section 3 of the Education Act 1989. Between the ages of 6 and 16, it is compulsory for students to attend school.

From time to time it is necessary to stand down or suspend a student from school. It is the principal's responsibility to make the decision to stand down or suspend, but only if the incident fits into one of three categories:

- gross misconduct
- continual disobedience
- behaviour risking serious harm.

If an incident occurs that may warrant stand-down or suspension, the principal or designated staff member investigating the incident must always consider the student's individual circumstances, the context of the incident, and involve the student in any investigation. This means that it may be fair to treat each student differently even if they were involved in the same incident. Full and accurate records must be kept to show you acted fairly and to explain the decisions you made. A student stood or suspended continues to have a right to an education and is required to attend until the age of 16.

Stand-down	<p>The formal removal of a student from school for a specified period. A student can be stood-down no more than a total of 5 school days per term, or 10 school days in a year. The principal may lift the stand-down at any time before it is due to expire (Section 14 (2) of the Education Act 1989).</p>
Suspension	<p>The formal removal of a student from school until the board of trustees decides the outcome at a suspension meeting. The suspension meeting has to be held within 7 school days of the suspension date (or within 10 calendar days if the suspension took place within 7 school days of the end of term) (Section 15(4) of the Education Act 1989). The student, the student's parents, and their representatives are entitled to attend the suspension meeting and have their views considered by the board (Section 17B of the Education Act 1989). Following a suspension, the board may decide to:</p> <ul style="list-style-type: none"> <li>● lift the suspension without conditions</li> <li>● lift the suspension with reasonable conditions</li> <li>● extend the suspension with reasonable conditions for a reasonable period</li> <li>● exclude the student.</li> </ul> <p>Suspension conditions should be clear, specific, attainable by the student, and with a definite timeframe for completion.</p>

Exclusion and expulsion	<p>Exclusion is the formal removal of a student aged under 16 from the school. The principal has to try to enrol the student into another school within 10 school days and inform the Ministry of Education if the student is not enrolled at another school after the 10 school days.</p> <p>Expulsion is the formal removal of a student aged over 16 from the school. The principal does not have to try to find another school, but will tell the Ministry of Education if the student wishes to continue schooling.</p>
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The role of the board is central to any process leading to the suspension of a student and there are clear procedures that need to be followed and documented. The principles of natural justice (see resources below) must be applied to any process leading to stand-down or suspension of a student and full and accurate records must be kept to show you acted fairly and to explain the decisions you made. There must be sufficient grounds to warrant any stand-down or suspension, and the rights of the student and any parent/caregiver must be recognised throughout the process including the offer of right of appeal or review. Information given to parents and child must be complete as possible but some disclosures may breach the privacy of other people and the board should be mindful of the Privacy Act 1993 and the Official Information Act 1982, and seek advice when necessary.

### Resources

- EDUCATION.govt.nz: Stand-downs, suspensions, exclusions and expulsions guidelines - part 1
  - Part 1: Legal options and duties
  - Part 2: Good practice
- EDUCATION.govt.nz: Stand-downs, suspensions, exclusions, expulsions (information for parents)

### Legislation

- Education Act 1989

### Review:

- Next review Term 2, 2023