



MINISTRY OF EDUCATION

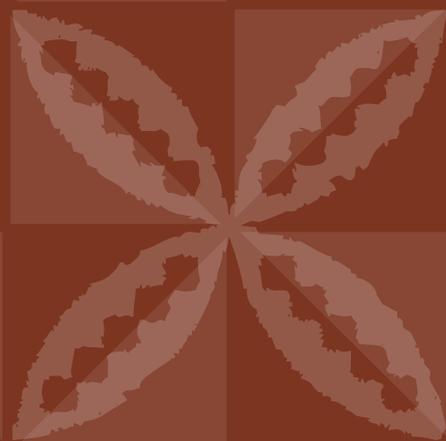
Te Tāhuhu o te Mātauranga



Good practice

*Guidelines for principals and boards of trustees for managing
behaviour that may or may not lead to stand-downs,
suspensions, exclusions and expulsions*

Part II



Preface

Removing students from schools has huge academic and social consequences both for the student(s) directly involved, for other students, and for the wider New Zealand society.

The purpose of this good practice document is to assist current practice in relation to serious behavioural incidents at your school, including serious misconduct and/or violent behaviour that may or may not result in stand-downs and suspensions.

Stand-downs and suspensions should always be the last response after a range of other interventions have been tried and have failed to improve the situation. Information and questions covering 13 key areas are outlined to give ideas and raise questions about the efficacy of your current and future school practice.

Links to useful information sources and resources are also provided.

Schools and Ministry of Education staff have contributed examples of case studies to help illustrate good practice.

We would like to thank and acknowledge all those who have provided information, feedback and case studies contained within this document.

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Foreword

Staying at school will help ensure that New Zealand children are equipped with the skills and qualifications they need to succeed and make valuable contributions to their communities, the economy and society.

The Ministry of Education is committed to ensuring that every child and young person receives a quality education and that schools are given the right tools to help their students succeed.

Suspension and expulsion data clearly show that Māori and Pasifika students are over-represented. As Minister of Education Anne Tolley says in the introduction to *Ka Hikitia – Managing for Success*, “Realising Māori learners’ potential does not ask for or require a special response but rather a professional response. It is about commitment to doing better with what we have, not compliance, nor complacency.” We all need to be working together to reduce this over-representation.

All Māori and Pasifika learners have the potential to be engaged and achieve in schooling. The education system must work for Māori and Pasifika so they gain the knowledge and skills necessary to do well. Before you make the decision to suspend or exclude students, we recommend that you consider these factors.

These guidelines are to be used in conjunction with *Part I: Legal options and duties guidelines for principals and board of trustees on stand-downs, suspensions and exclusions*, which replaces those published by the Ministry of Education in June 2004 and the 2007 supplement.

The topics covered in Part II of the guidelines raise ideas and questions about current and future school practice. While they are not compulsory for principals or boards to follow, they may help boards apply the legal guidelines using best practice examples.

Section 1: Contingency planning provides information about:

- establishing, reviewing and managing school plans for managing student behaviour
- collecting, understanding and using school data to reflect on student behaviour
- involving other people when managing incidents
- communicating with key groups of people about incidents of student behaviour
- traumatic incidents.

Section 2: Creating procedures and processes provides information about:

- investigating incidents of misconduct and interviewing students
- behaviour management
- the effect on others as a result of misconduct
- catering for special education needs.

Section 3: Actions of last resort provides information about:

- suspension conditions
- documenting processes
- managing complaints
- excluded student protocols.

These guidelines provide a fresh look at behaviour management, including stand-downs, suspensions, exclusions and expulsions provoke thought about what actually works in our schools and support schools to find a way forward.



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Section 1: Contingency planning

This section provides information your school can use to be prepared, understand the situation, communicate with your local community and act quickly to manage incidents relating to student behaviour.

1. School planning

Updating school plans to reflect changes in both the school climate and community expectations around managing behaviour is important. Having plans in place will help boards prepare for incidents relating to student behaviour. It may be helpful to consider the following:

School plans for managing student behaviour

Having a plan in place for managing student discipline is a good safety net for your board. A clear framework outlining key responsibilities and actions can help your board manage incidents in a consistent and transparent way.

While it is important for your board to focus on complying with key obligations, one size does not fit all. Plans must fit the size and climate of your school.

Ask these questions of your school:

Do we have a plan for managing student behaviour? Is a plan required?

Do we speak to neighbouring principals about their student behaviour management plans? Has our principal visited other schools to discuss best practice ideas?

Are incident reports completed to record the details of the behaviour? Do we have an established plan for incident reporting and the documentation of incidents? Is our plan reviewed and updated regularly? Are our incident reports analysed for trends? Are all our teachers and school staff aware of the plan?

Do we have a crisis/emergency plan? Is a plan required? Does the plan include short-, medium- and long-term actions? Does the plan include a list of emergency service contacts that is updated regularly (eg, Police, Child, Youth and Family, Fire Service, Ambulance)?

Do we have a traumatic incident response plan and team? Is a plan required?

School plans for informing parents

Do we have a plan for informing parents in cases of behaviour management and student discipline? Does our plan outline when parents should be contacted and who should be contacting them? What is the role of our principal?

Is our plan for informing parents clearly documented and provided to all parents? Is it up to date?

Do we have a plan about providing information to parents?

Communicating school plans

How do we ensure parents, students, school staff and the community know about our school plans for managing student behaviour? Are they posted on our school website?

How do we get feedback from parents, students and the local community on school plans?

Do all teachers, school staff and parents know our plan for managing student behaviour? Does our plan have information for parents that will help them to support their children?

How do we ensure that new staff are informed of our new school plans? Do we engage with and remind all our staff of the importance of key actions for managing behaviour?

Reviewing school plans

It is good practice to update your school plans on a regular basis and ensure that all your school staff, students and parents are aware of any updates.

School plans should be on a review cycle.

Ask these questions of your school:

Do we have a regular review cycle for our plans?

Has there been an incident that has occurred that has determined the need to update our school plan for managing student behaviour?

Do we identify specific areas for improvement on a regular basis?



Useful links

<http://www.minedu.govt.nz/EmergencyManagement>

Templates for developing plans for reacting to emergency situations, including fire, floods, earthquakes, chemical spills, gas leaks, volcanic eruptions, bomb or arson threats, armed intruders and missing children

<http://www.cybersafety.org.nz/kit/policy/index.html>

Information about setting policies for cybersafety and ICT safety

<http://www.netsafe.org.nz/mobilephone> Information about mobile phone safety

<http://www.ecpat.org.nz/pdf/Cyberkidz%20Report.PDF>

<http://www.netsafe.org.nz/schools>

<http://www.bewebaware.ca>

<http://schools.becta.org.uk/index.php?section=is>

Information about school computer safety

The New Zealand Schools Trustees Association (NZSTA) represents and provides services to boards of trustees across New Zealand. NZSTA provides governance support services, industrial relations and advice free of charge. Boards of trustees can access the NZSTA National Office Trusteeship helpdesk for all matters relating to trusteeship. The Helpdesk is staffed five days a week during office hours, 8:00am to 5:00pm. 0800 STA HELP (0800 782 4357), fax (04) 473 4706, email helpdesk@nzsta.org.nz

<http://www.minedu.govt.nz/StanddownsSuspensionsExclusionsExpulsions>

Information and rules about the stand-down, suspension, exclusion and expulsion process

Examples of schools using plans to inform decision-making about stand-downs and suspensions

EXAMPLE 1

As part of the school planning for the year, the board of trustees decided it was timely to review and update the school discipline policy as the school wanted to add a section about computer and cellphone use, and respecting property. The current policy (approved by the board in 2000) was outdated and did not reflect changes in society that had serious implications for students, the school and the wider community. The board was often managing cases of inappropriate computer and cellphone use, and an increase in vandalism and ‘tagging’ at school, and wanted to update their policy accordingly.

The board of trustees drafted new sections in the school discipline policy and consulted with school staff on the changes. The board also highlighted the action the school may take in these circumstances. The draft policy was then posted on the school website for feedback. The school informed parents that it would be posted there and invited comment.

The school received a vast array of feedback about the new sections from parents and students. The parents who provided feedback to the school were mostly in favour of the new sections, while many students opposed the clauses about cellphone use. The board considered the feedback and revised the policy about cellphone use to highlight examples of inappropriate use eg. use during class time, video-recording inappropriate behaviour and use of cellphones during school time to organise inappropriate events.

The board finalised the policy and approved it at the board of trustees’ meeting. The policy was placed on the school website. The principal discussed the policy at the staff meeting to ensure all staff were aware of the new sections and implications. The principal also addressed the students at the school assembly to update all students.



2. Understanding data

To inform your board's response to student behaviour, look for patterns or differences in your stand-down, suspension and exclusion data. Looking at your data can help inform which approaches will best meet the unique needs your school faces. The following may help analyse your data:

Behaviour at school

School communities value a strong school culture.

? Ask these questions of your school:

How well are our students developing the values and behaviours of our school and community?

How well are we modelling these values as staff?

How well do our discipline interventions help us grow these characteristics in our students?

Are there particular groups of students at risk of stand-downs and suspensions in our school?

What is the picture at our school? Do we analyse our stand-downs and suspensions by age, gender, ethnicity and behaviour type?

Can we put interventions in place for students at risk of stand-downs and suspensions so that problems are addressed before they escalate?

Do we have good teaching and learning strategies to engage 'at-risk' students in learning? Do we have relevant curriculum pathways that interest students?

Characteristics of stand-downs or suspensions

Can we use our current student management system to collect data and run reports about behavioural issues in our school? Have we been able to identify any trends or correlations that may have had an impact on certain types of student behaviour? Eg, if there is an increase in drug-related incidents, there may be a person selling drugs close to the school.

Which students are most often excluded following a suspension?

Is there a particular time of the day, day of the week, or month of the year when disciplinary actions leading to stand-downs or suspensions are at their highest? Lunchtimes? Monday mornings? After school?

Where are the incidents happening? Classrooms? Grounds?

Behaviours of stand-downs or suspensions

Are male and female students, or students of different ethnicities, stood-down/suspended/excluded for different behaviours?

Is the decrease in suspension cases at our school offset by the increase in stand-down cases, or referrals to the Non-Enrolment Truancy Service, or early leaving exemptions?

When reviewing the history of suspended students, could we have intervened earlier or done things differently?

Are disproportionate numbers of our referrals for problematic behaviour coming to deans or the senior management team from a small group of staff?



Useful links

<https://schoolsmart.minedu.govt.nz> SchoolSMART is available through the e-Admin area on Leadspace. SchoolSMART is a web-based application that principals and boards of trustees' chairpersons can access to get information about their schools. Schools can track their progress over time in comparison to groups of other like schools

<http://www.e-admintraining.co.nz/schools> A number of spreadsheet-based tools to assist schools with creating a master data sheet for conducting further analysis about behavioural matters at school

<http://www.minedu.govt.nz/SMS> Information about the types of reports and information that can be extracted from your SMS. You can also contact your SMS provider

http://www.educationcounts.govt.nz/indicators/indicator_page/schooling/1939
An analysis of current stand-down and suspension data in New Zealand schools

http://www.educationcounts.govt.nz/data_collections/student_engagement#key
Data on student engagement, including truancy

http://www.tki.org.nz/r/student_support/
Resource gateway to all Student Support-related material

http://www.tki.org.nz/r/student_outcomes/data_e.php
Help with planning for better student outcomes

Examples of schools using data to inform decision-making about stand-downs and suspensions

EXAMPLE 1

Two secondary schools in a provincial town noticed groups of students who presented with behaviour problems and lateness on a Monday morning. They noticed that these students were still dealing with the trauma and drama of the weekend, and weren't in any sort of headspace to engage in classes. They decided to timetable a year 10 option class in the first period each Monday. The Resource Teacher: Learning and Behaviour and a trusted senior staff member help the students debrief the weekend and set some goals for the school week. They think about what trouble might be brewing and develop simple plans to avoid it.

The students carry a tracking sheet with them for the week. Teachers recognise and affirm learning behaviours. Students get a point for turning up on time, having the right gear, for participation in class and for adequate work completion. Students aim for improvements in their weekly points totals. As a bonus, teachers are more conscious about looking for the positive and noticing improved learning and behaviour.

The students have a catch-up class together during the week, and the Friday class is often a reward time for those who have met their goals.

The outcomes for the schools have been fewer discipline incidents, better attendance and improved communication among teachers.

EXAMPLE 2

A medium-sized urban secondary school noticed many problems caused by anger/violence issues among students, particularly in the junior school. There were many unpleasant, dangerous and unpredictable incidents in classrooms and in the grounds. The suspension rate for the school was high, and violence issues were over-represented in these figures.

When students were suspended, they often engaged one by one with a community agency offering non-violence services.

The school and agency met together and decided to try a stopping violence intervention with students before their problems had escalated to the point of suspension. It was no problem to identify the students at this relatively early point and invite them to participate. The groups consisted of six students and ran for about eight weeks, in school time. Sometimes they were held on the school site and sometimes at the agency's premises.

Students have learned new skills and have got into less trouble. There has been a feedback loop to their teachers, and class-based issues are less likely to escalate. There are fewer stand-downs and suspensions, and the management staff have appreciated the extra time to put into leading the school.



3. Involving other people when managing student behaviour

Incidents that occur involving students may be complex, involving one or more people from within the school and within the local community. When making a decision about your school's response to student behaviour, it may be helpful to think about situations when other people could be involved.

Contacting people within the school

When managing an incident of student behaviour it is important for boards to determine exactly what happened, who was involved and who should be involved.

? Ask these questions of your school:

Do we know exactly what happened?

Do we know the facts?

[Refer Section 2: 6. Investigation and interviewing]

Do we know who was involved, both directly and indirectly? Did the behaviour involve one or more students? Did it involve bystanders, witnesses or electronic media such as the internet and/or cellphones?

Are there religious or cultural values to consider? Is a translator needed?

Do we know the effect of the behaviour on the student/s involved, the school and the local community? Can we deal with this matter in another way?

[Refer Section 2: 8. Effects on others]

Do we need to inform all school staff? Does the local Social Worker in School, Resource Teacher: Learning and Behaviour or public health nurse need to be notified?

Does our Special Education Needs Coordinator need to be involved? Does our guidance counsellor/transition/careers advisor need to be involved?

Contacting people within the community

Sometimes an incident of student behaviour can have wider implications.

? Ask these questions of your school:

Are there immediate safety issues for our students or school?

Do emergency services need to be contacted? Do we have an updated list of emergency service contacts? Does our insurance company need to be contacted?

Do we suspect abuse of any kind? Does it need to be reported to others?

Contacting other professional people or agencies

Depending on the nature of the incident, it may be appropriate for your school to contact other agencies.

? Ask these questions of your school:

Do we know the full details about the situation and the behaviour? Do we call the Police if the behaviour has broken the law?

Note: Police should be called to investigate any incidents involving drugs, assault and serious dishonesty. The Police have the powers to conduct searches and investigations about illegal matters.

Have we considered contacting the local Ministry office to discuss support? Eg, Interim Response Fund, Refugee or Migrant Education Coordinator, Special Education Facilitator, Special Education.

Do we need to notify the local Ministry Traumatic Incident Coordinator? Do we have an up-to-date traumatic incident response plan and team?

Note: Any immediate safety issues concerning a student or school should be reported to the Police. When a serious incident occurs it is important that schools involve the Police and not leave this task to parents.

Note: Any issues concerning the welfare of a student under the age of 16 years should be reported to Child, Youth and Family.



Useful links

<http://www.minedu.govt.nz/InterimResponseFund> – Principal’s Manual is included as a related download on this page. The Interim Response Fund, managed by regional Ministry managers, assists schools when student behaviour has reached crisis point. Contact your local regional office and ask to speak with the development officer managing the Interim Response Fund

<http://www.cyf.govt.nz/SuspectAbuse.htm> If you suspect a child or young person is being abused, tell Child, Youth and Family – ring 0508 FAMILY (0508 326 459) – or the Police. When you contact Child, Youth and Family with a concern, this is called making a notification. A notification can be made at any time

<http://www.police.govt.nz/service/111/> Information about appropriate instances to call the 111 emergency telephone line

<http://www.police.govt.nz/district/> Local Police District telephone numbers

<http://www.police.govt.nz/service/yes/> Information about Youth Police Services

<http://www.youthlaw.co.nz> Information about the law for young people. Legal advice can be obtained from Youth Law directly by telephoning (09) 309 6967 (free call: dial 010 and follow the instructions), fax: (09) 307 5243 or email: info@youthlaw.co.nz

<http://www.minedu.govt.nz/StanddownsSuspensionsExclusionsExpulsions> Information and rules about the stand-down, suspension, exclusion and expulsion process

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Examples of situations where students may face a stand-down or suspension and the school has involved other people

EXAMPLE 1

A 14-year-old boy was assaulted on school grounds after school hours during a school team sports practice. The student sustained injuries requiring hospital treatment. The incident was recorded on a cellphone by another student and teachers were informed that the video clip was posted on the internet.

The school contacted the sports coach, and the parents of the children concerned, about the incident. The Police were contacted to intercept the video recording and block the internet site. Child, Youth and Family were contacted as both boys involved were under 16 years. All school staff and parents were informed of the incident. New policies were put in place covering supervision of students at after-school sports practice as well as cellphone use.

The principal suspended and the board later extended the suspension. The board imposed a number of conditions aimed at returning the student to school.

EXAMPLE 2

A student was a chronic truant and had a complex family situation involving siblings at another school – prostitution, drugs, violence and gang connections. The principal referred the student to Strengthening Families and a meeting was held between the two schools. Work and Income, Housing New Zealand, Child, Youth and Family, and Police Youth Aid were also involved. However, the family refused to attend. The outcome was a combined intervention by the Police and Child, Youth and Family for the student. The secondary outcome was a strengthened relationship between the schools and agencies involved.



4. Communicating about incidents of student behaviour

An effective communication plan can be essential to ensuring an incident with a student is managed appropriately by the school. When making a decision about your school's response to an incident of student behaviour, it may be helpful to think about the following questions in relation to how you communicate the facts and the implications to different groups of people within the school and wider community.

Communicating within the school

It can be appropriate for a principal to ensure school staff are informed about some incidents of student behaviour. A proactive approach can help prevent incorrect information being passed around.

? Ask these questions of your school:

Do we have a way to communicate key issues within our school, such as a communication plan? Do we have a nominated person/s to update school staff about incidents of student behaviour?

Do we need to appoint one person to manage the details about an incident and act as a key spokesperson?

Who is the audience – who are involved? Who does the incident affect? Have we considered the wider implications of the incident? Have we thought about the implications for teachers, school staff, students, board of trustees, parents and the wider community?

Are there religious or cultural values to consider? Is a translator needed for the students or families?

Do we have a crisis/emergency management plan which looks at short-, medium- and long-term planning?

Note: The Traumatic Incident Response Coordinator at your local Ministry office can assist you with resources to support communication with children and young people during and immediately after an event.

Communicating with parents/family/whānau

Due to the seriousness or wide-reaching implications of some student behaviour, it can be appropriate to inform parents/family/whānau.

? Ask these questions of your school:

Do we have a plan about informing parents/family/whānau? Do we nominate one key contact person? Is our plan for informing parents/family/whānau clearly documented and provided to all parents? Is it up to date?

What are our acceptable methods of communication – school newsletters or the school website? Is a telephone message or an email appropriate in situations of gross misconduct? Do we need to hold a community meeting?

Do we have an information sheet that is given to parents which explains stand-downs and suspensions? [Refer Part I: During a stand-down, Tell a parent]

Communicating with the media

Some incidents of student behaviour can have implications for the wider community that draw either positive or negative attention to the school if highlighted by the media. For example, the student may have links to a gang, be a son/daughter of a celebrity or be a son/daughter of school staff.

? Ask these questions of your school:

Do we consider that the student behaviour may have media implications? If this information was publicly released to the community, would it have an adverse effect on the student, their family or our school?

Do we have a relationship with the local community newspaper or radio station? Do we need to appoint a nominated media spokesperson?

Do we need to be proactive in communicating with the media? Is it appropriate for us to submit press statements to the local media about updates in school policies eg, school safety, truancy, use of cellphones and the internet, uniform changes and policies on body piercing, hairstyles, jewellery and tattoos?

Is there a risk not communicating with the media?

Communicating with the wider community

Some incidents of student behaviour can have implications for the wider community. Managing a particular incident of student behaviour may set a precedent for all students in the community, which should be well known. For example, as a community response to managing school behaviour and truancy, local retailers may decide to support the school by not selling products to students during school hours.

Ask these questions of your school:

Does our local community know about our school policies and the consequences of not adhering

to them? What do we do to communicate with our wider community about school-related behaviour?

Have we prepared key messages? What other ways could we communicate key messages eg, media statements, running a community meeting, hui or fono, producing a specific school newsletter or letter to parents, or posting information on the school website?

Do we have an up-to-date list of agency contacts and a nominated person to contact relevant agencies?

Have we considered contacting other neighbouring schools to discuss incidents of student behaviour eg, local gang problems, unsafe areas, etc?



Useful links

<http://www.minedu.govt.nz/TraumaticIncidentSupport>

The Ministry of Education Traumatic Incident Team may help schools prepare written statements that are factual and accurate to inform staff, children and young people, the media and community. You can also telephone 0800 TI TEAM (0800 84 8326)

<http://www.minedu.govt.nz/StanddownsSuspensionsExclusionsExpulsions>
Information and rules about the stand-down, suspension, exclusion and expulsion process

<http://www.minedu.govt.nz/SDSParentInfo> Information for parents about stand-downs and suspensions

<http://www.privacy.org.nz> Information about privacy is contained in a publication called *Privacy in Schools*.

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Examples of situations where schools have communicated with different parties about a school-related incident

EXAMPLE 1

Each week, the principal meets with the local Police constable at the school. The constable has a regular slot at the weekly school assembly and he is well known by the students. An incident occurred within the immediate community on a weekend, and while it did not involve a student of the school, it touched many. The school invited the local constable into the school to support the school's response to the community in relation to the incident. On this occasion, a shared community approach was taken using a proactive way to address the media.

EXAMPLE 2

A student died in a car accident on a weekend. The school was the only school in a small rural town. The entire school and community were distraught by the event. A group of students who were close friends with the student who died started truanting and gathering at the local park to drink alcohol and smoke cannabis. The principal was contemplating suspending the students and contacted the Special Education Traumatic Incident Coordinator for support.

The principal was supported by the Traumatic Incident Team to prepare key messages and then put out a statement to the local community and Police. The principal also placed the statement on the school website and gave it to the local newspaper. The school hosted a special memorial service in the school hall. These actions gave the school the opportunity to communicate their loss and offer support to the family and the local community. The students were also offered support and soon returned to school.



5. Traumatic incidents

A school experiencing an incident of student discipline may find the issue becomes complicated as it affects many staff, students and the community and/or involves intense media pressure. When this occurs, Traumatic Incident Teams can support a school's management of the situation. It may also be helpful to think about the following areas when managing student disciplinary proceedings:

Not all stand-downs and suspensions would be considered traumatic incidents.

Examples of traumatic incidents may include:

- the death or serious injury of a child or young person, staff member or family/whānau member
- students witnessing serious injury or death of a child, young person, staff member or family/whānau members
- threats to the safety of students or staff, including the presence at the school of an individual behaving in a dangerous or threatening manner
- a lost or missing child, young person or staff member
- floods, fires, earthquakes or other community crisis or natural disaster.

Your school will have policies in place to cope with a traumatic incident, should it occur. Ministry of Education Special Education staff can assist with traumatic incident planning. Traumatic incident plans should include what to do in the event of violence at school, student suicide, the unexpected death of a student or teacher and natural disasters.

In the event of a traumatic incident, Special Education staff, under the guidance of Traumatic Incident Coordinators, will work alongside your school's traumatic incident team to support your traumatic incident plan. The support is usually short-term.

Your local Traumatic Incident Coordinator can be contacted on 0800 TI TEAM (0800 84 8326) when an incident:

- causes sudden and/or significant disruption to the operation, or effective operation, of your school
- affects a large number of children and young people and/or staff
- creates significant dangers or risks to the physical and emotional well-being of children, young people or people within a community
- attracts media attention or a public profile for the school.

In some circumstances it will also be important to contact other key agencies in your community for support and guidance.



Useful links

<http://www.minedu.govt.nz/TraumaticIncidentSupport>

Traumatic incident management support for schools and early childhood education services. You can also phone 0800 TI TEAM (0800 84 8326) for assistance

<http://www.minedu.govt.nz/InterimResponseFund> – Principal’s Manual is provided as a related download on this page. The Interim Response Fund is a fund of money, managed by regional student support managers, to assist schools when a student’s behaviour has reached crisis point. Contact your local regional office and ask to speak with the development officer managing the Interim Response Fund

<http://www.minedu.govt.nz/StanddownsSuspensionsExclusionsExpulsions>
Information and rules about the stand-down, suspension, exclusion and expulsion process

<http://www.acc.co.nz> Accident Compensation Corporation, telephone 0800 101 996 for general enquiries or 0800 735 566 for victims of sexual abuse

<http://www.moh.govt.nz/suicideprevention> Guidelines about reporting and portraying suicide in the media

<http://www.minedu.govt.nz/TraumaticIncidentSupport> – Young people at risk publication is provided as a related download on this page. Young People at Risk of Suicide – a resource for schools

<http://www.justice.govt.nz/youth/> Information about the Youth Court in New Zealand

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Example of a situation where students may face a stand-down or suspension and it is a traumatic incident

EXAMPLE 1

A student was murdered outside school hours. The school contacted the Traumatic Incident Coordinator for advice and support. The school received support to manage the effects of the incident and set up a system to monitor 'at-risk' students. One student at the school some time after the incident started exhibiting behavioural problems in class and acting aggressively towards other students. The school was concerned for his well-being and thought he posed a risk to himself and others, and was contemplating suspending him. The student was identified previously as 'at-risk'. Contact was made with his family and agreement was made to refer to mental health services. Before this could be actioned, the principal liaised with the local regional office of the Ministry to obtain Interim Response Funding to support the student's engagement at school.



2



Section 2: Creating procedures and processes

This section provides information about procedures and processes that your school can use when investigating and interviewing students, managing student behaviour, considering effects on others and taking into account students who have special education needs.

6. Investigation and interviewing

Students and school staff contribute to the investigation of an incident and the gathering of evidence in a variety of ways. Robust processes for interviewing witnesses and those involved in the incident can strengthen the information-gathering process. To inform your school's response to student behaviour, it may be helpful to consider the following questions when investigating incidents and interviewing:

Investigation in the school

It is the role of your school management to investigate incidents of student behaviour following the rules of natural justice. It is important for you to obtain all the facts about the situation so the board can make an informed decision.

? Ask these questions of your school:

*How do we know that an incident occurred?
Have we gathered all the facts?*

[Refer Part I: Investigation]

Have we conducted a fair and thorough investigation and documented all the evidence gathered? Who has investigated the incident? Do we need to determine who our best people are to interview students?

Note: The decision to exercise a statutory option must be taken by the principal alone and cannot be delegated (though a delegated acting principal may make it in the principal's absence).

Was an incident report completed? Do we have an established process for incident reporting and the documentation of incidents? Is this reviewed and updated regularly? Do we inform all teachers and school staff about the process?

[Refer Part I: Investigation, Documenting the investigation]

Note: Any staff member may discuss an incident with the student and give him or her the opportunity to comment. The emphasis here is on the description of the incident and hearing the student's side of the story rather than seeking an admission.

Interviewing students at school

To build a true picture of what happened, staff may want to seek an admission from the student. To follow good practice, staff may wish to have another adult present at an interview. This protects staff members from unjust accusations, and could provide a support person for the student.

? Ask these questions of your school:

*Where do we hold interviews with students?
Are these places appropriate for privacy and safety reasons?*

Note: Natural justice usually requires putting the facts to students and recording responses. Students have the right to be heard. The principal must have confidence in the evidence produced before exercising a statutory option. The principal may not suspend on suspicion and leave the matter to the board to resolve.

[Refer Part I: Overview, Fair and flexible, Natural justice]

Interviewing and the Police

Schools decide when the Police may be called to assist with an incident of student behaviour that has broken the law. Some schools can be reluctant to call the Police. Some communities may see the presence of Police at school as negative. Ongoing relationships between the school and the Police can minimise the fear in the local community and normalise the presence of Police at school.

Ask these questions of your school:

Do we have an ongoing working relationship with the Police?

Do we have a plan for managing situations where students are questioned by Police at school?

Is our plan clearly communicated to all students, parents and caregivers?

Note: If the Police are called to the school, they may choose to search students and will use their legal powers eg, Misuse of Drugs Act, as appropriate.

Note: Offending by children aged 10–13 years (inclusive) and young persons aged 14–16 years (inclusive) is dealt with under the Children, Young Persons, and Their Families Act 1989. Young people aged 17 years or older who commit offences are dealt with as adults. The Police will be involved.

Police and social workers visit your school. They work within the realms of their powers and know their roles.



Useful links

<http://www.minedu.govt.nz/StanddownsSuspensionsExclusionsExpulsions>
Information and rules about the stand-down, suspension, exclusion and expulsion process

<http://www.cyf.govt.nz/disclosedabuse.htm> Child, Youth and Family has some good tips about talking with children who have disclosed abuse

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Example involving investigation and interviewing of students

EXAMPLE 1

A teacher noticed a large spray-painted 'tag' on the wall of the brand new gymnasium. The tag displayed an offensive statement and a symbol used by a student at the school. Staff and students were upset by the tag as it had racist undertones and threatened violence.

While the teacher was certain that the artist was the student named in the painting, he knew it was important to investigate the incident completely as it was likely that the offending student would face school discipline.

The teacher invited the student named in the painting to meet with him and the dean in the school office. The student attended the meeting and was asked some questions. He denied doing the spray-painting.

The student had paint on his hands. The teacher found spray cans when he was asked to open his bag. Based on these facts, the teacher formed the impression that the student had done the tagging and told the student this. The student did not respond to the teacher's conclusion at this point. The teacher recorded the student's lack of response and completed an incident report. This report was given to the principal for consideration.

In this case, it was the role of the school to fully investigate the school-related incident. The principal chose to call the Police, because the tag contained threats of violence and gang insignia.



7. Behaviour management

School culture strongly influences student behaviour. It is vital for schools to have plans in place that outline different strategies for managing student behaviour. These plans can help reduce certain behaviours and can help schools deal with difficult situations as they arise. It may be helpful to consider the following to prevent incidents escalating. The goal is to keep students at school.

Within the school environment

While the board cannot directly influence what happens within an individual student's home, the board governs the school and can influence how the school operates. How a school operates can impact on how students behave at school.

It may be important to consider the factors that affect your school culture:

- the degree of board and administration support
- overall school planning and practice that promotes pro-social behaviour
- involvement of parents and community
- willingness to discuss and resolve issues such as teacher stress and efficacy
- attitudes to discipline and fairness.

The continuum of need

Schools are often approached by organisations that state they have quality programmes that can help address student behaviour. While it is ultimately your school's decision about what programmes to deliver, some key success factors should be considered.

Ask these questions of your school:

How do we know what a good programme looks like? What are the measureable outcomes from the delivery of the programme in schools? Is the programme evidence based? Does the provider have good information about what is happening in our school? Is our leadership team involved in the delivery of the programme? Have we linked with the community or sought advice from others?

Your school can determine the approach and the level of response right for your students. A framework to help provide a way to organise a school's response to the level of need is:

Universal school-wide programmes

What programmes does our school have that are useful for our entire school?

Some behaviour management programmes are better than others.

Are our existing behaviour management programmes and/or initiatives actively supported and have positive outcomes? Have they been evaluated? What is our school commitment and is it ongoing?

Targeted programmes

What programmes does our school have that support 'at-risk' students and have the potential to reduce the need for intensive services?

These programmes tend to involve others coming into the school to provide services eg, Resource Teachers: Learning and Behaviour, Ministry of Education Special Education.

Do we have protocols established to enable our staff and others to work effectively with people who provide specialised services?

Intensive services

Does our school have programmes that are specialist-delivered individualised systems for students with severe and ongoing disruptive behaviour? If not, do we know where to go to access these? Do our teachers and senior staff remain involved in the programme delivery and the student outcomes?

Do we provide programmes to address identified behaviours? Have we made a referral to Resource Teachers: Learning and Behaviour to provide advice and guidance to teachers of students who are at risk of low achievement due to learning and/or behaviour difficulties?

Note: Resource Teachers: Learning and Behaviour can also assist with direct teaching, demonstrating practice and providing teaching strategies so that students receive appropriate learning programmes and behaviour management on an ongoing basis.

Are there religious or cultural values to consider? Is a translator needed?

Note: Boards of state schools are required to help all students realise their potential. Schools need to provide appropriate learning programmes and address barriers to learning to meet individual needs, while respecting cultural differences. In many cases, behavioural matters will have been brought to the attention of parents before a stand-down or suspension.

Teacher learning and development

Teachers have direct influence over student behaviour at school. Quality professional learning and development can support teacher practice in supporting student learning and a teacher's capacity to manage the classroom.

A positive learning environment is an important factor in determining the quality of learning and preventing bad behaviour.

? Ask these questions of your school:

Do we give our teachers the resources to do a good job?

Do we have a professional development plan that is embedded in our school culture?

Note: Deciding to stand-down or suspend a student should be a response of last resort. This is a serious decision, which can have far-reaching consequences for the student (and other members of their family). Stand-downs or suspensions should be made only after considering all the implications for the educational future and life chances of the student.



Useful links

<http://www.minedu.govt.nz/TaumataWhanonga>
Information about the Ministry of Education's behaviour work

http://www.nzcer.org.nz/default.php?cPath=345_139_133_302
Resources about behaviour management from the New Zealand Council for Educational Research, an independent educational research organisation that produces educational research and research-based resources. NZCER, Education House, 178-182 Willis Street, PO Box 3237, Wellington 6140, phone: (04) 384 7939, fax: (04) 385 8738

<http://rtlb.tki.org.nz/> Information about Resource Teachers: Learning and Behaviour

http://www.tki.org.nz/r/governance/positive_behaviours/
Information about 'supporting positive behaviours' for boards of trustees, principals and senior staff

<http://www.educationcounts.govt.nz/publications/series/2515/15341>
The Teacher Professional Learning and Development Best Evidence Synthesis illuminates the kind of professional learning for teachers that strengthens valued outcomes for diverse learners

<http://www.educationcounts.govt.nz/publications/series/2515/5959>
The Quality Teaching for Diverse Students in Schooling: Best Evidence Synthesis Iteration

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Examples of alternatives to stand-downs and suspensions to manage behaviour

EXAMPLE 1

A large school elected to release a teacher full time for two terms to review the school's behaviour management plan in line with restorative practice. Professional development was provided for all teaching and support staff, and the plan was reviewed by senior management and the board of trustees. The plan was based around counselling using a 'solve' rather than a 'blame' approach.

EXAMPLE 2

For incidents of 'continual disobedience', the classroom teacher worked with the principal and organised a parent meeting, involving the student support worker and a counsellor employed by the school. A monitoring card system was introduced and options for mentoring, anger management, social skills and a professional development programme were discussed. Special Education also helped to set an individual behaviour plan.

EXAMPLE 3

A school accepted some students excluded from a neighbouring school. The students were having difficulty engaging in the new school and became disruptive and badly behaved. The school was contemplating standing-down the students. The school engaged the Interim Response Fund to provide a short-term behaviour management programme for the students. The programme focused on offering individual personal incentives that continued beyond the programme with personal rewards and recognitions. The students successfully returned to school after completing the five-day programme and their progress was monitored by the principal. The principal held fortnightly meetings with the students' families to discuss progress and any issues. These meetings moved to being monthly and concluded after six months.

EXAMPLE 4

A student stole some property and 'tagged' a building at a party after the school ball on the weekend. A Youth Aid officer became involved and met with the school to discuss the possibility of utilising Alternative Action, a diversion plan. The student enjoyed school, had a good attendance record and had achieved a large number of credits. The principal was keen to support the student and give him another chance by participating in the Alternative Action process to keep the student out of the official Youth Justice System and keep him at school.

The Youth Aid officer convened a conference at the school and the principal and family were included. The conference outcomes were that the student would:

- perform community service for the owner of the stolen property and tagged building
- complete a thousand-word essay on the importance of respecting people's rights and property
- attend a six-week safe alcohol use programme delivered through the Salvation Army on Saturday mornings.

The school principal put in place weekly individual sessions with the guidance counsellor, and also agreed to monitor the student's progress and meet the student on a weekly basis.



8. Effects on others

While schools manage student behaviour and discipline students who have breached school rules, schools must also manage the effects on others. To inform your school's response to student behaviour where victims may be involved, it may be helpful to consider the following factors:

Ways of being affected by an incident

Boards are required to provide a safe physical and emotional environment. To uphold this requirement, it is important to identify all those affected by an incident so that appropriate support can be provided.

As a result of an incident, others may have suffered physical injury, emotional harm, lost property or had property damaged, for example.

Who can be affected by an incident?

When managing an incident within a school, it is important to assess the effect on others. As the effects can be widespread, it is helpful to identify those who are:

- directly involved in the incident
- in some way immediately affected eg, eyewitnesses, those that help
- removed from the incident but still impacted eg, immediate neighbours, community members, former victims.

Support for those affected by an incident

When assessing the appropriate support for those affected by an incident, it is good practice to take into account varying needs. Some services can be accessed through the school and others can be provided by outside agencies.

Ask these questions of your school:

Have we considered what the varying needs may be? Are there cultural or gender issues to consider? Are there community or regional issues? Are there political issues?

Have we offered support to any of those affected by the incident? In addition to educational needs, have any privacy, welfare, health, counselling, medical or legal needs been considered?

Do we need to contact the Accident Compensation Corporation (ACC) to see if the student is eligible to receive compensation and/or be assisted with treatment? (ACC provides funding assistance for counselling for victims of sexual abuse.)

Preventing re-victimisation

Maintaining the safety and wellbeing of all students at school is a priority for schools.

There are many ways in which re-victimisation can occur as a result of an incident. These include disrespectful treatment from other students and within the wider community. Over recent years electronic communication mediums (cell phones and social networking websites) have also been used to re-victimise students.

Note: It is important for schools to be mindful that publication of some incidents in the media may have a detrimental effect upon students, the school and the community. Talking about some incidents at school and publishing them can also be a form of re-victimisation for some.

Ask these questions of your school:

Do we have any plans for managing the effect of incidents on other students? Have we considered strategies for reducing re-victimisation?

Do we have a plan to support students in classes, between classes and at breaks? Can our school adopt a flexible timetable to support students?



Useful links

<http://www.victimsinfo.govt.nz> A single point of contact linking with information from across government and community websites. Whether or not you have reported an offence to the Police, there are services also available through the Victims of Crime Information Line on 0800 650 654. This line is available 9:00am–11:00pm, 7 days a week

<http://www.victimsupport.org.nz> Victim Support provides 24-hour emotional support, personal advocacy and information to victims of crime and trauma throughout New Zealand. To reach your local Victim Support office, telephone 0800 VICTIM or (0800 842846)

<http://www.acc.co.nz> Accident Compensation Corporation, telephone 0800 101 996 for general enquiries or 0800 735 566 for victims of sexual abuse

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<http://www.privacy.org.nz> Information about privacy is contained in a publication called *Privacy in Schools*.

Examples of situations where schools have supported students affected by incidents at school

EXAMPLE 1

A teacher noticed a student was consistently missing physical education class on a weekly basis. The student would ask to be excused and did not want to attend the session. The teacher was contemplating discussing with the principal disciplinary action for this behaviour. The teacher subsequently discovered that the student did not want to attend because she was being bullied.

The teacher spoke with the student about the situation and then put in place a plan to prevent the bullying during the class. The class was split into two smaller training groups which separated the victim from the bullies. The matter was also discussed with the student's parents. The student attended physical education class the next week.

EXAMPLE 2

A 15-year-old was found fighting with a group of students during the lunch break. The teacher broke up the fight and gave all involved a verbal warning.

The next week, one of the students was caught fighting with another group of students. The teacher brought the student before the principal with a view to impose a stand-down for the behaviour. At the meeting with the principal, the student told the principal that the reason he was fighting was because he was being teased at school due to a video clip on the internet. The video clip showed the boy getting changed after sports practice.

In this situation, the principal decided not to impose a stand-down. The principal sought assistance from the Police to close down the link on the internet. She started an investigation to find out who filmed the clip and placed it on the internet. The principal imposed a stand-down for the student who did the filming and posted the clip on the internet.



9. Special education needs

It can be challenging for schools to manage student behaviour when working with students with special education needs. Individual Education Plans support schools to work with students, families and sometimes agencies to support students' access to schooling. Prior to taking disciplinary action, it may be helpful to consider the following factors:

Catering for special education needs

When managing student behaviour it is important to take into account the student's viewpoint, and their needs. There may be particular circumstances which have led to the student's behaviour.

? Ask these questions of your school:

Have we determined whether any other factors contributed to the student's behaviour? Emotional triggers? Family factors, peer relationships, health, mental health, trauma or personal tragedy? Special medical conditions?

[Refer Part I: Principal's decision, What part have the student's individual circumstances played?]

In situations where students have special education needs, it is not always easily understood why a student may have behaved in a disruptive way. Has your school met with the family and health professionals to assess the needs of the student and what can you do to meet these needs?

It is important to ensure that all resources have been utilised to support the student. Has your school made appropriate referrals for assistance? For example:

- Resource Teachers: Learning and Behaviour
- Learning Support Teachers
- Resource Teachers: Māori
- specially trained teachers for students with vision impairments (called Resource Teachers: Vision)
- teachers who work with children who have hearing impairments (called Resource Teachers: Deaf)
- public health nurse
- other supports in the local community.

? Ask these questions of your school:

Do we need to make a referral to Special Education for support with behaviour, high health needs, communication issues or complex needs?

Students with special education needs who have compromised school rules

In some situations it is not a simple case of students breaking the rules purposefully. It is important for schools to understand students' needs and put support in place to manage their special education needs.

? Ask these questions of your school:

Did we have an Individual Education Plan in place for the student at the time of the incident? Was it being fully supported by school staff and teaching staff at the time the incident occurred?



Useful links

<http://www.minedu.govt.nz/InterimResponseFund> – Principal’s Manual is provided as a related download on this page. The Interim Response Fund is managed by the Ministry to assist schools when a student’s behaviour has reached crisis point. Contact your local regional office and ask to speak with the development officer managing the Interim Response Fund

<http://www.minedu.govt.nz/SpecialEducation>
Information about Special Education

http://www.minedu.govt.nz/IEPGuidelines#What_is_an_IEP
Information about the development of Individual Education Programmes

<http://www.moh.govt.nz/moh.nsf/indexmh/nz-asd-guideline-apr08#availability>
The Ministry of Health website has Education for learners with ASD of the Autism Spectrum Disorder Guideline (March 2008), which aims to provide best-evidence guidance for professionals who work with children and adolescents with ASD in educational settings

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Example of working with students with special education needs

EXAMPLE 1

A six-year-old student diagnosed with 'high-functioning ASD' was non-compliant, aggressive and had frequent 'meltdowns' at school. He was on the verge of being excluded from school.

The boy's father decided to home-school him, but after two terms this was no longer successful. The boy's paediatrician felt it was essential that he be integrated back into school. A strengthening families meeting was held involving the parents, paediatrician, psychologist, mental health services and the Special Education Facilitator. A school was chosen and the facilitator worked with the principal and the boy's parents to plan his transition back to school.

The transition plan was supported by the parents, Special Education and all outside agencies that were involved. The acting principal considers that the time put in at this early stage sets up for future success.

The student's transition back into school is proving to be successful as he is now enjoying school. His behaviour is less aggressive and more controlled.



3



Section 3: Actions of last resort

This section provides information to support your school with managing and documenting suspensions, exclusions and complaints.

10. Suspension conditions

Boards have the ability to effect change and modify student behaviour through suspension conditions. Conditions targeting individual behaviour and individual needs can be extremely effective when they are correctly matched to the student and their completion is monitored. When imposing suspension conditions, it may be helpful to consider the following:

Purpose of conditions

Minimising the disruption to a student's attendance at school and **facilitating the return of the student to school** are key considerations when setting suspension conditions.

The conditions should relate to the behaviour or cause of behaviour that led to the suspension. A student cannot be expected to meet conditions that they have no direct influence upon or control over.

? Ask these questions of your school:

Have we set suspension conditions that are related to something the student is to complete?

Note: While it is helpful for a school to have a plan of action that includes school and other agency support, these actions are not suspension conditions. Imposing a condition that requires another party to complete an action is not within the control of the student to complete.

Why are we imposing these conditions with a suspension? Do the conditions reflect the goal of changing behaviour to enable the student to return to school?

Have we considered whether the conditions are fair? Are they designed to be rehabilitative rather than punitive?

[Refer Part I: Fair and reasonable, Natural justice]

Note: Behaviour management programmes that help students to learn self-discipline or change behaviour can help students re-engage at school and should not be used as a form of punishment.

Specific conditions

Conditions are more likely to be attainable if they are set in consultation with the student and the family.

? Ask these questions of your school:

*Are the conditions we have set **specific**? Do the conditions outline who is involved, what is to be done and where the conditions are to be completed? Do they detail the timeframes for completion and identify any requirements and/or constraints (who will pay for any costs)? Is there a specific reason, purpose or benefit for completing the conditions?*

*Are the conditions we have set objectively **measurable**? How can we measure progress towards achievement? Have we considered... how much? How many? How will we know when conditions are completed?*

*Are the conditions we have set **attainable**? Are they reasonable conditions?*

*Are the conditions we have set **realistic**? Can they be easily met? Have we set the benchmark too high? Do our conditions help the student to grow and learn? Do our conditions impose any undue cost upon the family?*

*Do the conditions we have set have a **timeframe** for completion? How will we all know when the conditions have been met/not met? How will we know if there has been a breach of the conditions?*

Do we look back on previous conditions to see which are more likely to be workable and effective? Have we recorded this anywhere for future reference?

Reconsideration meetings and conditions

A board can review conditions set at a reconsideration meeting. Sometimes conditions may not be workable and a reconsideration meeting may be appropriate to adjust the conditions so that students are not disadvantaged.

Note: It is important that reasonable steps are taken to ensure that students have guidance and counselling support in circumstances of a stand-down or suspension (Section 17A (1) of the Education Act 1989).

[Refer Part I: Principal's obligations, Consider guidance and counselling]

The principal must also take all reasonable steps to ensure that an appropriate educational programme is provided to students during the suspension period (Section 17A(2) of the Education Act 1989).

[Refer Part I: Principal's obligations, Provide an educational programme]



Useful links

<http://www.hrc.co.nz> Information about the Human Rights Act can be sourced from The Human Rights Commission, Auckland (09) 309 0874, Wellington (04) 473 9981, Christchurch (03) 379 2015 or information line 0800 4 YOUR RIGHTS (0800 496 877)

<http://www.minedu.govt.nz/StanddownsSuspensionsExclusionsExpulsions>
Information and rules about the stand-down, suspension, exclusion and expulsion process

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http://www.tki.org.nz/r/governance/positive_behaviours/
Information about 'supporting positive behaviours' for boards of trustees, principals and senior staff

Examples of suspension conditions

EXAMPLE 1

The board wanted the student to return to school to undertake drug and alcohol counselling. The board lifted the suspension and set a specific condition regarding counselling. An example of a **specific** condition would have been for the student to ‘undergo eight drug and alcohol counselling sessions, between 1 September and 20 December 2009, with the [ABCD] Rehabilitation Services located at [ABCD] Main Road, to work on ways to stop harmful drug and alcohol usage. The cost will be met by [ABCD].’

Prior to the board meeting, the principal had prepared information about local drug and alcohol services, locations, vacancies and cost. These were discussed in consultation with the family.

EXAMPLE 2

The board extended the suspension for three school weeks with a specific condition that the student would attend anger management counselling before they returned to school. The condition being to undergo two sessions with [ABCD] provider within the three-week period. Cost will be met by [ABCD].

The principal used the time available to organise support for the student upon his return to school.



11. Documenting processes

Robust documentation processes are an essential safeguard for schools. A key element of good practice is good record-keeping. When dealing with incidents of school discipline it can be helpful to consider the following factors when documenting processes:

Documentation within the school

Good record-keeping is an essential part of good business management and day to day operations. Robust systems that record information about students can be valuable tools when monitoring student behaviour.

Documenting complaints is an important part of school record-keeping. When managing a complaint, it is good practice to ensure all communication and actions are documented.

Any letters, emails or records of telephone conversations should be kept and placed on the relevant student or staff file.

When confirming an agreed way forward, it is helpful to record the agreed actions. It may also be appropriate for documentation to be sighted and signed by all parties. This will help to confirm that agreement has been met and to give confidence that procedures are being followed in a fair manner.

All **records of board of trustees meetings** should be kept, as should records of outcomes of suspension meetings.

All documentation needs to remain secure and retrievable. You may be asked to retrieve information at a later time eg, parents may require student records or other agencies may require information for Care and Protection or Police matters.

Documentation for parents

Documentation is used to inform and answer questions, and solve problems. It can be a powerful tool for you to use when communicating with parents about their child's progress.

When devising documentation for parents, you may wish to consider:

- detailing any history or associated material relevant to the situation eg, obligations under school rules or code of conduct
- the purpose – why are you producing the document?
- the scope – what does the document discuss? This can be listed as bullet points, and should explain the areas covered in the document
- roles and responsibilities – describe the roles, positions or people responsible for

implementing aspects of the process. This can include names and telephone numbers of staff to contact about particular issues

- procedures – describe how the process works. Document a series of process steps in a practical or operational way that will be easily understood by parents. You may like to use a flow chart from Part I of the legal guidelines to explain the stand-down, suspension or exclusion process.

? Ask these questions of your school:

Do we have model letters to send to parents advising of stand-downs, suspensions, outcomes of board meetings and withdrawal? Do we copy and save these letters on student files and record the outcomes in our student management system?

[Refer Appendix: Model letters]

How do we know if parents understand the information in our letter? Do we send the Ministry of Education pamphlets Suspension, exclusion and expulsion of a student from a state and state integrated school: Information for parents and Stand-down of a student from a state and state integrated school: Information for parents with our letter? Do we telephone or meet with parents to ensure they understand school processes?

Is the principal's report clearly understood by parents? Do we attach the incident report to the principal's report? How do we know if parents understand?

Are there religious or cultural values to consider? Is a translated copy of any correspondence needed?

Documentation for the Ministry of Education

All advice of school disciplinary action is to be submitted to the Ministry of Education.

? Ask this question of your school:

Do we have a designated person to submit the following forms to the Ministry immediately?

- Advice of stand-down.
- Lifting a stand-down.
- Advice of suspension.
- Advice of outcome of board of trustees suspension meeting.
- Reconsideration of outcome of board of trustees suspension meeting.
- Notification following exclusion.

The information requested in these forms is required by law and should be provided as part of the principal and/or board's process. It is important to ensure all necessary information is completed.



Useful links

<http://www.minedu.govt.nz/StanddownsSuspensionsExclusionsExpulsions>
Information and rules about the stand-down, suspension, exclusion and expulsion process

<http://www.minedu.govt.nz/ENROLSchoolUserInfo>
Information for principals, school administrators and other staff who use ENROL to complete enrolment processes. For support with the submission of these forms in ENROL please telephone or email the Contact Centre at (04) 463 8383 or email e.admin@minedu.govt.nz

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Examples of situations of documenting processes for stand-downs and suspensions

EXAMPLE 1

A suspension was imposed upon a 15-year-old student. The student was one of six who were witness to an assault on another student. The principal investigated the situation for all six students. He decided that each student would be suspended as they had all been involved in witnessing the incident and had taken an active role in encouraging the assault and evading detection by school staff.

The school completed an incident report on the event and placed a copy on all six students' files. The principal also spoke with the victim of the assault and completed a written account of the impact of the event on him. The principal immediately informed all the parents by telephone about the incident and that he had suspended the students. The principal documented these telephone conversations.

Following these telephone conversations, the school sent a letter to each of the parents, informing them of the suspension and inviting them to attend a board meeting. This letter also contained a copy of the Ministry of Education's pamphlets *Suspension, exclusion and expulsion of a student from a state and state integrated school: Information for parents* and *Stand-down of a student from a state and state integrated school: Information for parents*. These letters were copied and placed on each student's file.

'Advice of suspension' forms were completed by the school on the day after the decisions were made. Copies were printed and sent to the Ministry of Education and placed on the students' files.

The board meetings were held and the parents of the students attended. The board viewed copies of the incident report and the victim impact statement. Copies of the minutes of the meetings were retained. Copies were also placed on the students' files.

Following the meetings, the school sent a letter to each parent informing them of the outcome of the board meetings. These letters were copied and placed on each student's file.

'Advice of outcome of suspension' forms were sent to the Ministry of Education following the board meeting. Copies were printed and placed on the students' files.

EXAMPLE 2

This Court of Appeal case with Lynfield College highlights the importance of schools keeping sufficient records throughout the entire suspension process. This includes records outlining the reasons behind board decisions.

While student X was treated as if he had been suspended for a second time, there was no valid second suspension as no grounds were specified under Section 14(1) of the Education Act 1989. The Court of Appeal found that the suspension was invalid because of the board's **failure to identify** whether the second suspension was a result of gross misconduct or continual disobedience.

While the Judge described the board's record as "succinct", in fact the record was **too brief to give any indication** that the board had engaged with its statutory task and applied the relevant criteria. The Judge stated that while it was not necessary for extensive records to be kept, there must be a sufficient record to demonstrate that the board members have addressed their minds to the criteria they have to apply.



12. Managing complaints

While schools are focused on providing the best possible service to students, there may be occasions when practice does not meet certain standards or expectations, and a parent or others wish to complain. Managing complaints appropriately, using fair and consistent practice, is an important part of school operations. The following may be useful:

Obligations when managing complaints

Complaints can come from students, staff, parents and even members of the public. They might be about students, staff, the principal, the board, your school policies or events at or involving the school.

Complainants can question the operations of your school and can request information to be provided. If a child or parent requests additional information about a stand-down or suspension decision, the board must carefully consider it. You are obliged to provide information under the Official Information Act 1982 and the Privacy Act 1993. Under both Acts, a full answer must be provided to the requester within a specified timeframe.

The Education Act 1989 and the rules that regulate stand-downs and suspensions also specify timeframes and procedural requirements that must be followed. When these are not followed, the board puts itself at legal risk. It is good practice to ensure you meet these timeframes.

Complaints procedure

Complaints will vary from minor to major, and may escalate rapidly from one to the other if they are not managed in a manner that is both timely and appropriate.

Note: It is good practice to ensure that your school (both governance and management functions) has a clearly articulated complaints procedure, and that you follow it. This will make it easier to manage a complaint, should one arrive.

It is important that parents, students, teachers, school staff and board members know how to access the school complaints procedure easily.

Ask these questions of your school:

Is there a copy of this procedure in enrolment information or on our school website? Is it available at our school office? Are all our school staff aware of our complaints procedure?

Complaints to the principal

The principal is responsible for the day-to-day management of your school and student discipline. Parents may ask to meet with the principal to make a complaint about a staff member, another student, an incident that occurred or a school event. It is good practice for the principal to treat all complaints seriously and make time to meet with parents, if possible.

It is a good idea to have somebody else, other than the principal, attend a complaint meeting. They can help take notes of the key points discussed and record a course of action and/or any agreed outcomes. A copy of these notes can be given to the parent at the end of the meeting. A copy should also be retained by your school as they may be needed at a later time. [Refer Section 3: 11. Documenting processes]

It may be appropriate to take some time to consider the nature of the complaint and speak with other relevant parties. [Refer Section 1: 3. Involving other people when managing student behaviour] It is good practice to let parents know when you will get back to them. Remember that 'a few days' is preferable to 'a week' in terms of timeliness.

All complaints should be investigated and the principal will decide the next steps. [Refer Section 1: 6. Investigation and interviewing] This may include recommendations for future action. It is good practice to document this decision and send a copy to parents. [Refer Section 3: 11. Documenting processes]

Complaints to the board of trustees

The board is the employer of school staff and responsible for the school operating within the law. Boards of trustees are committed to making school the best learning environment possible for students. Parents have the right to have their concerns listened to and addressed.

Note: Complaints to the board of trustees should be in writing and addressed to the chairperson of the board. A discussion with the board chairperson or a board member is NOT a formal complaint.

If a principal has managed a complaint and parents are not happy with the outcome, parents are entitled to complain to the board of trustees.

It may be appropriate for the board to obtain legal or industrial advice to inform their response to some complaints. The New Zealand Schools Trustees Association helpdesk is the first point of call for schools to obtain free advice in these situations.

In some situations, your school may decide to engage a lawyer, as appropriate.

It may also be appropriate to consider appointing an independent person to investigate the complaint.

Complaints about school processes

Parents may complain to a school or the Ministry of Education about the school's complaints process or process for managing stand-downs and suspensions.

Schools are advised to seek advice and support from the New Zealand Schools Trustees Association in these situations.

When parents or students are unhappy with a stand-down or suspension decision, they may wish to make a complaint. Complaints about boards of trustees can be directed to the Office of the Ombudsmen.

Ministry of Education role

In some instances, parents will complain to the Ministry of Education about an incident involving their child that occurred at school.

Note: It is common practice for the Ministry to direct all complaints back to the school in the first instance. The Ministry upholds the school's ability to self-govern and follow their own policies and processes for managing complaints.



Useful links

<http://www.teacherscouncil.govt.nz/cnc/> This section of the New Zealand Teachers Council website is about conduct and competence of teachers. It includes information about making a complaint and how complaints are dealt with, and a set of frequently asked questions to assist teachers and employers/professional leaders

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http://www.legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html?search=ts_act_information+act_rese&sr=1 The New Zealand Legislation website has the online version of the Official Information Act 1982 No 156 (as at 01 November 2008)

http://www.legislation.govt.nz/act/public/1993/0028/latest/DLM296639.html?search=ts_act_privacy+act_rese&sr=1 The New Zealand Legislation website has the online version of the Privacy Act 1993 No 28 (as at 24 January 2009)

www.hrc.co.nz Information about the Human Rights Act can be sourced from The Human Rights Commission, Auckland (09) 309 0874, Wellington (04) 473 9981, Christchurch (03) 379 2015 or information line 0800 4 YOUR RIGHTS (0800 496 877)

http://www.justice.govt.nz/courts/high_court.html
Information about the High Court

<http://www.ombudsmen.parliament.nz/> Information about the Ombudsmen, who are independent Officers of Parliament who investigate complaints against central and local government agencies

Clear and open communication between students, parents and schools ensures that matters are addressed promptly. Parents or students with concerns may seek advice from a lawyer, Youth Law (09 309 6967), the Parents Legal Information Line (0800 499 488) or the Office of the Ombudsmen 0800 802 602

Examples of situations where parents have complained to the school

EXAMPLE 1

A student was stood-down following an incident at school. When the principal telephoned the parent, the parent was not happy with the decision to stand-down her son and wanted to meet with the principal to discuss the situation. The principal met with the parent and discussed his reasons for standing-down her son. The principal's personal assistant took notes of what was discussed at the meeting.

The parent was upset by the principal's decision because she thought the school could have dealt with her son differently. She explained that there had been a death in the family and that her son was very upset and that he could have acted badly as a result. The principal listened to the parent and decided that, under these circumstances, he would shorten the stand-down for the student. He told the parent that her son would have a warning this time and that he may face a stand-down if the behaviour recurred. All actions were recorded and the parent was given a photocopy of the notes taken at the meeting. The principal then wrote a letter to the parent as a formal record that he had shortened the stand-down. Copies of all documentation were saved on the student's file.

In this situation the principal met with the parent to hear what she had to say. This helped prevent the situation escalating to a formal written complaint.

EXAMPLE 2

An angry parent rang a school office demanding to speak with the principal. The parent wanted to make a formal complaint about an incident during which his son was beaten up on his way home from school. He wanted the principal to expel the student who had beaten up his son.

The principal was away for the next three days and had left the deputy principal with delegation to manage complaints in her absence. The office administrator calmly informed the angry caller that the principal was away and that she would put his call through to the deputy principal for response. The parent had become more enraged hearing that the principal was away and refused to speak with the deputy principal. The parent said he was coming down to the school to talk to the boy who attacked his son and hung up the telephone.

The deputy principal telephoned the parent back after a few moments and calmly spoke to him about his concerns. The parent calmed down and agreed to come into meet with the deputy principal within one hour.

In this instance the school proactively contacted the parent and managed to calm him down to a level where he agreed to meet with the deputy principal to progress his complaint.



13. Placing excluded students

When students are excluded, principals should arrange for them to attend another school as soon as possible (Section 15(6) of the Education Act 1989). When finding another school for excluded students, the following information may be helpful:

Excluded students – the school’s role

Some students may be excluded from your school as a result of their behaviour. It is important to remember all students have a right to education.

All excluded students should remain on your school roll until a new school has been found and the new school requests that the student be withdrawn from your roll. This is covered in Section 17C of the Education Act 1989.

Schools are required to find a new school for excluded students as soon as possible (within 10 school days, as per Section 15(6) of the Education Act 1989). The shorter the time that a student is out of school, the greater the likelihood of a smooth transition for the student and the new school.

Ask these questions of your school:

Do we have a process for securing another school for an excluded student?

Do we have a relationship with principals at neighbouring schools? What form of communication with neighbouring schools do we use? Does our principal telephone these principals personally?

Some schools in clusters will accept excluded students from neighbouring schools in exchange for some of their excluded students.

Do we have a cluster relationship with neighbouring schools and an arrangement about taking excluded students?

The principal must inform the Ministry of Education if a student is not enrolled at another school after 10 school days. If the principal cannot arrange for a student to be enrolled at another school, the Ministry will help to find another school for the student to attend and, if necessary, direct a student to be enrolled in a school.

Excluded students – the Ministry of Education’s role

The Ministry requests advice of an exclusion to be supplied immediately. This is so that the Ministry is in a position to gauge, and subsequently provide, the appropriate level of support for the best outcome for a given student.

In situations where a school has not been able to secure a new school for an excluded student, the Ministry of Education may arrange for and **direct** the board of any state school to enrol the student at their school.

A board must comply with a direction under Section 17D(3) of the Education Act 1989. A direction overrides the provisions of any enrolment scheme the school may have in place.



Useful links

http://www.educationcounts.govt.nz/indicators/indicator_page/schooling/1947
Research about exclusions and expulsions

<http://www.minedu.govt.nz/StanddownsSuspensionsExclusionsExpulsions>
Information and rules about the stand-down, suspension, exclusion and expulsion process

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Example of situation where a school has managed excluded students

EXAMPLE

A secondary school collaborative initiative was set up to support students within a community. The initiative included a large number of secondary schools, within the region, that work with a common vision of supporting students. This collaborative approach focused on improving student achievement and helping students stay engaged in appropriate learning.

Early intervention strategies are applied when students begin to demonstrate behavioural problems. These strategies are aimed at keeping the student engaged in school and helping to prevent exclusion. In cases of exclusion, principals agree to take excluded students from other schools involved in the initiative. The principals play an integral part in the decision-making process for placing excluded students. The placement at the new school is facilitated immediately by the excluding school. The process is transparent and each school knows when it is their turn to take an excluded student.

This collaborative initiative has had a positive impact upon the schools, students and community. The time out of school for students has been minimal. Most excluded students were back in school within 10 days. This supportive approach has also made it easier for excluded students to transition to new schools and stay engaged in ongoing learning.





Appendix Model letters

Letter 1: Notifying parent/guardian of stand-down

Dear <name of parent/guardian>

STAND-DOWN OF <name of student>

Further to my telephone call of <date>, this letter confirms that <name of student> has been stood-down from school for a period of <#> days. I have made this decision because I am satisfied that:

either Option 1:

<his/her> gross misconduct is a harmful or dangerous example to other students at the school (under section 14(1)(a) of the Education Act 1989).

or Option 2:

<his/her> continual disobedience is a harmful or dangerous example to other students at the school (under section 14(1)(a) of the Education Act 1989).

or Option 3:

because of <his/her> behaviour it is likely that <name of student>, or other students at the school, will be seriously harmed if <he/she> is not stood-down (under section 14(1)(b) of the Education Act 1989).

While I stood-down <name of student> today (<enter date>) the day in which the stand-down occurred is not counted. This means s/he will not be permitted to attend school fulltime until <date student can return to school>.

I have decided to stand-down <name of student> because <give reason>.

Option

I wish to discuss my decision with you and <name of student>. Please contact me on <telephone number> so that we can arrange a meeting as soon as possible, at a time that suits us all.

or

If you and <name of student> wish to discuss this stand-down with me please contact me on <telephone number> so that we can arrange a meeting as soon as possible, at a time that suits us all.

You may wish family members or other support people to attend this meeting with you.

I have enclosed an information sheet, provided by the Ministry of Education, to help answer any questions you may have about stand-downs.

[Optional – In this instance, I have decided that <student> can attend school on <date and time> for <guidance and/or counselling sessions or an exam>].

[Optional – insert other information, such as an indication of any guidance and counselling already arranged, arrangements for specific course requirements to be met during the period of stand-down, any other persons to whom a copy of the letter has been sent, notification of times/days when the principal has other commitments, etc.]

[Optional – insertion to personalise notification.]

Yours sincerely

Principal
<School name>

Letter 2: Notifying parent/guardian of suspension

Dear <name of parent/guardian>

SUSPENSION OF <name of student>

Further to my telephone call of <date>, this letter confirms that <name of student> has been suspended from school. I have made this decision because I am satisfied that:

either Option 1:

<his/her> gross misconduct is a harmful or dangerous example to other students at the school (under section 14(1)(a) of the Education Act 1989).

or Option 2:

<his/her> continual disobedience is a harmful or dangerous example to other students at the school (under section 14(1)(a) of the Education Act 1989).

or Option 3:

because of <his/her> behaviour it is likely that <name of student>, or other students at the school, will be seriously harmed if <he/she> is not suspended (under section 14(1)(b) of the Education Act 1989).

I have decided to suspend <name of student> because <give reasons>. This suspension takes effect immediately. This means s/he will not be permitted to attend school until further notice.

The board of trustees must now meet to discuss the incident and consider the available options as listed below.

As discussed by telephone, this meeting will be held at <time> on <date> at <venue>. You, <name of student> and any support persons have the option of attending this meeting in person, via teleconference or by video link. Although face-to-face meetings are preferable, we understand that this is not always possible. If you wish to attend by telephone or video link instead you will need to send a written request as soon as possible. This can be done via email or text.

I will ensure that you will be given a copy of my report to the board and any other relevant information at least 48 hours before the meeting.

At the meeting, the board will have a copy of my report and may discuss it. The board will give you an opportunity to comment and participate if you wish. You can provide any information that you believe the board should consider in making its decision.

<name of student> may also attend the meeting and speak to the board. You and <name of student> may bring representatives or advocates with you (or have them attend via telephone or video link) who may also speak to the board at the meeting.

The board may decide to:

a) lift the suspension (with or without conditions) which means <student name> can attend school again fulltime, or

b) extend the suspension with conditions for a reasonable period of time, which means <student name> remains out of school temporarily and has conditions to meet before they come back to school, or

either c) exclude from school, which means <student name> must leave this school and must attend another school because they are under 16 years or

or d) expel from school, which means <student name> must leave this school.

After the board meeting, I will talk with you about what happens next.

[Optional – insert other information, such as an indication of any guidance and counselling already arranged, arrangements for specific course requirements to be met, etc.]

I have enclosed an information sheet, provided by the Ministry of Education, to help answer any questions you may have about the suspension process.

[Optional – insertion to personalise notification.]

Yours sincerely

Principal
<School name>

Letter 3: Notifying parent/guardian of outcome of board meeting

Dear <name of parent/guardian>

Thank you for attending the meeting of <date> where the board of trustees considered the suspension of <name of student> from this school.

After considering all the material presented at the meeting, the points raised in discussion and the options available to it, the Board of Trustees decided to:

[Options – select ONE]

lift the suspension of <name of student> unconditionally

lift the suspension of <name of student> with conditions

extend the suspension of <name of student> with conditions until <date>

(under 16) exclude <name of student> from this school and require him/her to attend another school

(16 and over) expel <name of student> from this school.

The board made this decision because <explain why the board arrived at the decision it did including conclusions about the main issues>.

[Insert appropriate paragraphs to state any conditions, explain the purpose of the conditions and how they are to be met and monitored, and inform the parent/guardian that if they are not met, the board can reconsider its decision with all the original options available to it.]

[Optional – insertion to personalise response.]

I have notified the Ministry of Education of this decision.

Yours sincerely

On behalf of Board of Trustees
<School name>

Letter 4: Reconsideration of suspension letter

Dear <name of parent/guardian>

RECONSIDERATION MEETING REGARDING <name of student>

Further to my telephone call of <date>, this letter confirms that the board has agreed to meet to reconsider the action it took following <name of student>'s earlier suspension.

I requested that the board meet because I was satisfied that <name of student> has failed to comply with the conditions set by the board when it <lifted or extended> <his/her> suspension. Specifically <name of student> has failed to <provide detail>.

As discussed by telephone, this meeting will be held at <time> on <date> at <venue>.

I will ensure that you will be given a copy of my report to the board and any other relevant information at least 48 hours before the meeting.

At the meeting, the board will have a copy of my report and may discuss it. The board will give you an opportunity to comment and participate if you wish. You can provide any information that you believe the board should consider in making its decision.

<name of student> may also attend the meeting and speak to the board. You and <name of student> may bring representatives or advocates with you who may also speak to the board at the meeting.

The board may decide to:

a) lift the suspension (with or without conditions) which means <student name> can attend school again fulltime, or

b) extend the suspension with conditions for a reasonable period of time, which means <student name> remains out of school temporarily and has conditions to meet before they come back to school, or

either c) exclude from school, which means <student name> must leave this school and must attend another school because they are under 16 years or

or d) expel from school, which means <student name> must leave this school.

After the board meeting, I will talk with you about what happens next.

[Optional – insert other information, such as an indication of any guidance and counselling already arranged, arrangements for specific course requirements to be met, etc.]

I have enclosed an information sheet, provided by the Ministry of Education, to help answer any questions you may have about the suspension process.

[Optional – insertion to personalise notification.]

Yours sincerely

Principal
<School name>

Letter 5: Letter following reconsideration

Dear <name of parent/guardian>

Thank you for attending the meeting of <date> where the board of trustees reconsidered the suspension conditions of <name of student> from this school.

After considering all the material presented at the meeting, the points raised in discussion and the options available to it, the board of trustees decided to:

[Options – select ONE]

lift the suspension of <name of student> unconditionally

lift the suspension of <name of student> with conditions

extend the suspension of <name of student> with conditions until <date>

(under 16) exclude <name of student> from this school and require him/her to attend another school

(16 and over) expel <name of student> from this school.

The board made this decision because <explain why the board arrived at the decision it did including conclusions about the main issues>.

[Insert appropriate paragraphs to state any conditions, explain the purpose of the conditions and how they are to be met and monitored, and inform the parent/guardian that if they are not met, the board can reconsider its decision with all the original options available to it.]

[Optional – insertion to personalise response.]

I have notified the Ministry of Education of this decision.

Yours sincerely

On behalf of Board of Trustees
<School name>

Letter 6: Notifying parent/guardian of withdrawal of stand-down

Dear <name of parent/guardian>

Thank you for meeting with me on <enter date> about my decision to stand-down <name of student> from school.

As a result of our discussion and the information considered, I have decided to withdraw the stand-down of <name of student>. This means he/she can return to school immediately.

I have notified the Ministry of Education of this decision.

[Insert appropriate final paragraph.]

Yours sincerely

Principal
<School name>

Letter 7: Notifying parent/guardian of shortening of stand-down

Dear <name of parent/guardian>

Thank you for meeting with me on <enter date> about my decision to stand-down <name of student> from school. This letter summarises our discussions, confirms my decision, and records the way forward.

[Insert appropriate paragraph about the matters discussed.]

As a result of our discussion and the information considered, I have decided to shorten the stand-down of <name of student>. This means it will be shortened by <number> days and he/she can return to school on <enter date>.

It was agreed that the school will <insert any new actions the school will take eg: changing class rooms, engaging RTLB, working with the teacher on behaviour management or an individual student plan>

It was also agreed that I/we/you will monitor <enter name of student> progress at school and <insert any guidance and support eg: meet with the guidance counsellor, complete an IEP,

I have notified the Ministry of Education of this decision.

[Insert appropriate final paragraph.]

Yours sincerely

Principal
<School name>

