



02 February 2023

Tēnā koe

OIA: 1300089 – Suspensions, exclusions and expulsions

Thank you for your email of 14 November 2022 to the Ministry of Education (the Ministry) requesting information in relation to suspensions, exclusions and expulsions.

Your request has been considered under the Official Information Act 1982 (the Act). A copy of your request has been attached as **Appendix A** for your information.

At what point does MOE step in to help place students?

Does this only apply for exclusions and expulsions? Or will you also get involved with suspensions - for example a student is suspended for a long period and can't reach an agreement with a school on conditions, etc?

Suspension process

Suspension means the formal removal of a student from school until the Board decides the outcome at a suspension meeting. A suspension can lead to an exclusion or expulsion. Exclusion means the formal removal of a student aged under 16 from the school and the requirement that the student enrol elsewhere. Expulsion means the formal removal of a student aged over 16 from the school. School is only compulsory until age 16, but if the student wishes to continue schooling, they may enrol elsewhere. Exclusions and expulsions are for the most serious cases only.

Following the principal's decision to suspend a student, the school board must meet within seven school days after the day of suspension (or ten calendar days if the suspension occurred within seven school days of end of term) to decide the outcome of the suspension.

The school board may decide to

- lift the suspension without conditions or with reasonable conditions;
- extend the suspension for a reasonable period with reasonable conditions aimed at facilitating the return of the student to school;
- if the circumstances of the case justify the most serious response exclude the student if under the age of 16; or
- expel the student if over the age of 16.

If the school board extends the suspension, the school board must make sure they receive a written report at regular intervals from a person nominated by the Board on whether the student is meeting the conditions imposed in order to return to school and progressing with the educational programme provided.

When a student has been excluded from a school, the excluding school principal must try to arrange for the excluded student to be enrolled at another convenient school. If the excluding school principal is unable to arrange for the student to enrol in another school within ten school days, the school principal must notify the Ministry of this, and the steps taken to arrange placement. The Education and Training Act 2020 requires that excluded students must stay on the school roll until they enrol somewhere else, and the excluding principal remains responsible for ensuring an appropriate education programme is provided to the student until they are enrolled at a new school.

If the principal of the excluding school has been unable to arrange enrolment of the excluded student, the Ministry will make all reasonable attempts to consult the student's parents/caregivers/whānau, the school board and any other person or organisation that may be interested in, or able to advise on or help with, the student's education or welfare.

The Ministry must take one of the following three actions:

- If satisfied it is appropriate for the student to return to the excluding school, lift the exclusion; or
- Arrange for enrolment and, if necessary, direct the board of any state school (that is not an integrated school) to enrol the student; or
- Arrange for the student to enrol at Te Aho o Te Kura Pounamu (the Correspondence School).

Decisions to direct enrolment are made (under delegation from the Secretary for Education) at the regional level, and Directors of Education are closest to the situation to work through what is best for the student with all parties.

When decisions to direct an enrolment are made, Ministry regional staff will work through what is best for the student with the school, the student's whānau and other agencies. The supports that can be provided are to ensure the student transitions and integrates well into their new school, and will vary depending on the specific situation.

A school board must comply with a direction from the Ministry to enrol a student. A direction overrides the provisions of any enrolment scheme the school may have in place. If the exclusion is lifted, or the direction to enrol is made, the student is able to enrol and attend school immediately.

If parent, caregivers or whānau have concerns, they should first raise the issue with the principal and if not resolved, then write to the school board. They can also contact the Ministry's local office; the Students Rights Service, Youth Law Aotearoa and the Community Law Centre.

Every child and young person has a right to an education. Schools and kura are encouraged to consider a range of responses to fit the seriousness of the situation. They must work to reduce disruption to the student's education. This includes planning and support for the student's learning while they are away, and for their return to school or kura. This also includes the Ministry facilitating access to appropriate supports and services, to help address the wellbeing needs of the young person. Suspensions, exclusions, and expulsions should only be used by schools and kura as a last resort.

We note that stand-downs, suspensions, exclusions, and expulsions are measures of a school's reaction to challenging behaviour. While one school may opt to suspend (and later exclude) a student over a particular incident, another school may not. Any disciplinary action is a measure of a school's reaction to student behaviour.

The requested data is attached to this response as **Appendix B**.

Where the total number of students is lower than five, we have withheld the figure under section 9(2)(a) of the Act, to protect the privacy of the individuals concerned. Where this is the case, these figures have been replaced with x. Please note that the figures provided are live and subject to change. Further caveats have been included with the data.

As required under section 9(1) of the Act, we have considered the public interest in releasing the information withheld under section 9(2)(a) of the Act. We consider the privacy interests of individual students (or small numbers of students) outweighs the public interest in release. In reaching this conclusion, we have had particular regard to the inability of individual students to defend their own reputation, and the potential harm to the relationships between students, their families and the schools they attend.

Please note, the Ministry now proactively publishes OIA responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

You have the right to ask an Ombudsman to review my decision on your request, in accordance with section 28 of the Act. You can do this by writing to info@ombudsman.parliament.nz or to Office of the Ombudsman, PO Box 10152, Wellington 6143.

Thank you again for your email. If you have further questions please feel free to contact our media team in the first instance at media.team@education.govt.nz.

Nāku noa, nā



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