



Include me, don't **exclude** me.

The **experiences** of children and young people
who have been suspended or excluded from
Queensland state schools.



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Acknowledgement of Country

The Office of the Aboriginal and Torres Strait Islander Children's Commissioner at the Queensland Family and Child Commission acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians across the lands, seas and skies where we walk, live and work.

We recognise Aboriginal people and Torres Strait Islander people as two unique peoples, each with their own rich and distinct cultures, strengths and knowledge. We celebrate the diversity of Aboriginal and Torres Strait Islander cultures across Queensland and pay our respects to Elders past, present and emerging.

We acknowledge the important role played by Aboriginal and Torres Strait Islander communities and recognise their right to self-determination, and the need for community-led approaches to support healing and strengthen resilience.

Acknowledgement of child rights

The Office of the Aboriginal and Torres Strait Islander Children's Commissioner acknowledges the special rights of children which are recorded in the United Nations Convention on the Rights of the Child (UNCRC), guided by its four principles: the right of all children to survival and development; respect of the best interests of the child as a primary consideration in all decisions relating to children; the right of all children to express their views freely on all matters affecting them; and the right of all children to enjoy all rights of the UNCRC without discrimination of any kind.

Acknowledgement of contributors

We acknowledge the invaluable contributions of all children, young people and parents who took time to share their insightful views and experiences with us for this report.

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Lifeline: 13 11 14
Beyond Blue: 1300 224 636
Kids Helpline (for 5–25 year olds): 1800 55 1800



A message from the Commissioner

When I reflect on major reforms in recent years, many were triggered by the tragic experiences of a single child. We have the ability to act early, yet so often, action only comes once the damage is done. Why do systems consistently wait for failure before moving forward?

I have been monitoring the prevalence of school disciplinary absences (SDAs) in Queensland and remain concerned about the disproportionate number issued to children living in out-of-home care, children with disability, and First Nations children. My view is that speaking directly with children and young adults about their experiences and analysing those experiences alongside current legislation, policy, and rights obligations is a useful, independent contribution to the work the department is undertaking to reduce the number of SDAs. Our approach to this research has enabled my office to examine how legislative principles are experienced by children, particularly those from structurally excluded groups, and to identify gaps between policy intent and lived reality.

I am concerned that the children and young people in this project have spoken of their voices being silenced in the SDA process. This demonstrates to me examples of practice not upholding the guiding principle of the Education (General Provisions) Act (2006) (the Act) to actively involve children in decisions affecting them (s7(c)). This is the legal recognition of a procedural fairness principle requiring decision-makers to consider the views and voice of the student, appropriate to their maturity and comprehension. For Queensland to deliver on children's rights to receive a high-quality education, the department must become willing to listen and act on things children tell us.

I acknowledge that significant efforts have been made to improve the collection and availability of data on the use of SDAs in the past few years; however, quantitative data provides a one-dimensional view of the problem. While the sample size in this study is targeted, the data remains valid and important. Qualitative data drawn from the lived experiences of children is a vital evidentiary source for assessing whether systems are delivering against the stated objectives of legislative frameworks, including the Act and the Human Rights Act 2019.



Natalie Lewis
Commissioner

For children to start school positively and remain engaged without disruption requires collaboration with their families and community and enacting the collective responsibility and significant power that exists across sectors and portfolios to ensure all children are provided with the foundations for a healthy, happy and hopeful life. I am grateful to the young people and families who shared their stories with us during this project. Their voices, spoken with the clarity of lived experience, provide the opportunity for practice improvements that I'm optimistic will contribute to change.

Introduction

The purpose of this report is to explore and highlight the experiences of children, young people, and their families who have been affected by School Disciplinary Absences (SDAs). By amplifying their voices, we aim to advocate on their behalf for alternative, more effective approaches to school discipline that do not disrupt students' experiences of quality education. There is a growing recognition of the critical role that children and young people play in providing unique insights into their own lived experiences—insights that provide alternatives to the adult-centric nature of the systems that children engage with.

SDAs in Queensland are a form of legislated student discipline to maintain the “good order and management” of schools that involve the removal of a child from their school. SDAs include:

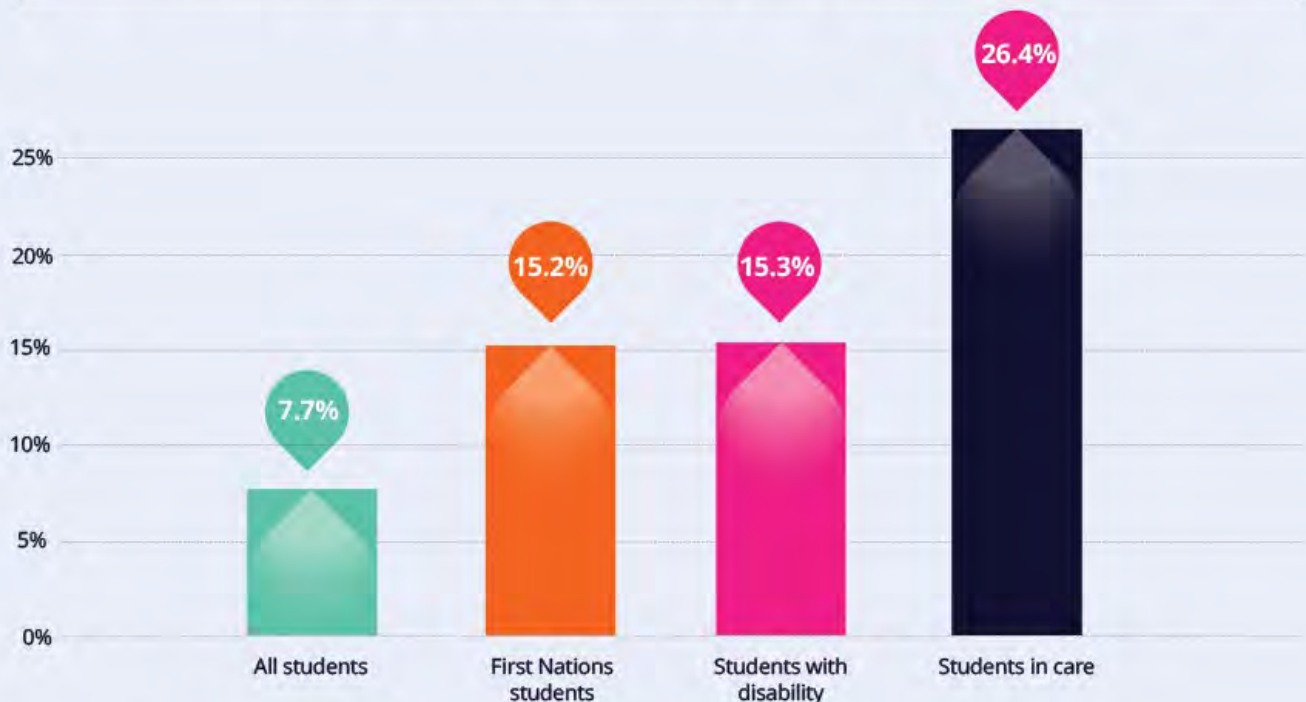
- short suspensions (1–10 days)
- long suspensions (11–20 days)
- exclusion from a school or more than one school
- enrolment cancellation (which can only be used if a student is 16 or older).¹

Departmental policies in Queensland state SDAs should be used as a last resort and only after all other appropriate efforts have been made. In 2023, there were 81,918 SDAs issued to 42,498 state school students, representing 7.5 per cent of all students. However, some cohorts of students receive SDAs at a higher rate than this average. The following graph shows the disproportionate use of SDAs in Queensland schools.





SDA rates by student demographic (2018–2023)



| Graph 1: Percentage of SDAs based on individual demographic features (average between 2018–2023) |

Graph 1 shows that First Nations students and students with a disability experience SDAs at twice the rate of all students. Students living in care receive SDAs at more than three times the rate. The intersection of these attributes further increases the risk of receiving an SDA. For example, 33 per cent of First Nations students who live with a disability and are living in out-of-home care, received an SDA between 2018–23.² The data, provided by the Queensland Department of Education (the department), highlights the disproportionate use of SDAs in Queensland and raises questions about the effect of SDAs on the future of these children, who may already be experiencing discrimination and disadvantage. It also underscores the need to recognise both the compounding effects of intersectionality, and the extent of collaboration needed from agencies supporting families.

We know, for example, that children's continued engagement with education is a powerful early intervention strategy to prevent or reduce future contact with the justice system,^{3,4} and that at least 55 per cent of children in youth detention in Queensland were not engaged in education, training or employment prior to their detention.⁵ A review of pre-sentence reports for 100 children at risk of detention, conducted by the Queensland Family and Child Commission in 2022, revealed that 94 per cent had been disengaged from school.⁶ In May 2025, the Minister for Youth Justice advised parliament that 72 per cent of the 222 children on dual orders with both the youth justice and child protection systems, had been previously suspended or excluded from school.⁷

Who did we speak with?

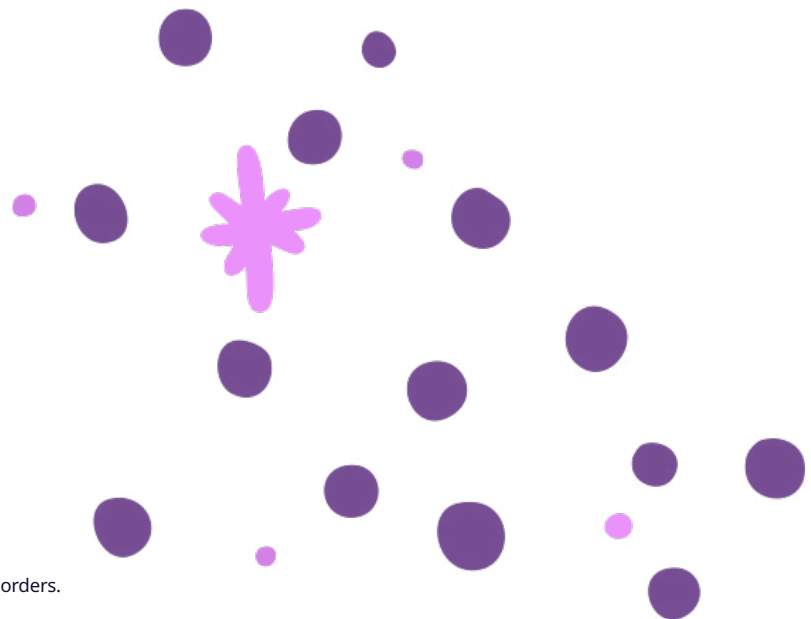
We had conversations with 34 children, young people and parents/caregivers* from state schools, including 30 children and young people and four carers. We also spoke to one parent whose child had not received a formal SDA but was subject to part-time hours. This interview has not been included in the count or analysis, but did provide useful information about the child's experiences and the reasons why they eventually decided to home school.

- > Half the students and young people identified as female and half as male
- > 22 participants identified as First Nations
- > Eight participants identified as having a disability
- > Seven participants identified as having an out-of-home care experience
- > Children and young people were aged between 6 and 25
- > All interviewees were from either southeast Queensland or north Queensland.

| Table 1. Participant numbers disaggregated by age and parent participation |

Age of participants	Number of participants
6-9 years	1 (with parent)
10-13 years	10 (1 with parent)
14-17 years	12
18+	7 (1 with parent)
Total participants	33

More information is available in Appendix A.



*Several children we spoke with were on child protection orders. In these cases, the parent is the state.



Key findings

Our conversations with children, young people, and families with lived experience of SDAs highlight the vital importance of child-informed guidance to improve SDA outcomes. Children know when they receive quality education. This research provides evidence of where the SDA decision-making process could improve. Much of what we heard was about the type of education children needed to support them and thus limit the number of times SDAs were used. A framework for understanding the delivery of quality education is to consider children's:

- > right to education (availability and accessibility)
- > rights in education (acceptability and adaptability)
- > rights through education (adaptability).

Children have a right to quality education. The government has a corresponding obligation to deliver it. We heard teacher capacity and capability limited children's universal right to education. When educators lack the time, knowledge or skill to support students with learning specific to their needs this can lead to punitive measures rather than addressing the root causes of behaviours.⁸ The government has a responsibility to ensure teachers are appropriately trained to positively apply flexible and inclusive learning approaches for children and young people with numerous learning needs. Teachers should be supported with appropriate resources and funding to implement teaching styles that meet the needs of individual children.

Our findings showed that the children and parents we spoke with were largely excluded from participating in the disciplinary decision-making process. Participation in school processes that affect them supports children's rights to education. Limited participation also reduces the opportunity for valuable information to be included in decision-making processes. Disciplinary procedures as described by participants in this research indicated such processes would benefit from a more participatory and strengths-based approach.

In early 2025, the government changed the *Education (General Provisions) Act 2006* (the Act) to enable principals to delegate suspension notifications. Yet, the larger issue raised in this research was about the process for making decisions. The issue of busy principals' capacity to run quality disciplinary processes may warrant further investigation.

Our research findings support using the United Nations Convention on the Rights of the Child (UNCRC) as a framework to understand the elements of an equitable learning environment, inclusive of approaches for behaviour management. Adaptability in education is central to a more inclusive education system. School disciplinary processes should be adaptable and directed towards developing the life skills of students to make well-balanced decisions; to resolve conflicts in a non violent manner; and to develop good social relationships, responsibility, critical thinking and creative talents, which give children the tools needed to pursue their options in life.

Children's rights through education are central to Article 29 of the UNCRC, requiring schools to integrate child rights education into both the curriculum and everyday school practices. This ensures children learn about their own rights and the rights of others in meaningful ways.

Responses from children and young people highlighted the need to embed child rights education aimed specifically at increasing their understanding about rights. This is central to children's development of respect for their own rights, the rights of other students, the school community and society at large. Positive school outcomes benefit the individual student and broader society.

We also heard children speak about alternative approaches to discipline. An example like restorative practices can help to balance rights that can be otherwise perceived to be in conflict, through methods like promoting children's voices and accountability, conflict resolution, problem-solving and reintegration. The restorative process itself contains vast educational value⁹ and commences from a position of mutual respect.

Examples of such practices include community circles, peer mediation, and conferencing. Reintegration back to school must be a goal. While the Department offers several engagement and re-engagement policies and programs, they are not universally available and restorative practices are not featured.

The department acknowledges that SDAs limit a child's right to education.¹⁰ Also, SDAs do not resolve the root causes of children's behaviour. Despite this, 82,000 SDAs were issued to over 42,000 students in 2023. While the number of SDAs issued improved to 73,188 in 2024, we understand the number of affected children improved only marginally and SDAs continued to be disproportionately issued to Aboriginal and Torres Strait Islander children, children with disabilities, and children living in out-of-home care. The reasons for this warrant closer analysis.

The Office of the Aboriginal and Torres Strait Islander Commissioner (OATSICC) will continue to monitor the effects of any current or new government and departmental policies and initiatives on the SDA process.





Child rights

As the primary experts about their lives, children and young people's perspectives are essential in shaping policies and decisions that directly affect them. Children and young people's voices frequently remain underrepresented in government legislative review, policy-making, and practice improvement. This is particularly concerning given the crucial role education plays in a child's life and the legal obligations outlined in Guiding Principle 7(c) of the the Act.

Children and young people should be **actively involved in decisions** affecting them to the extent that is appropriate having regard to their age and ability to understand.

We note the **"A Right to Learn"**¹¹ campaign, calling for an inquiry into the use of SDAs in Queensland, has been running for several years and that the department has embarked on internal work to reduce the number of SDAs being issued. The intention of this report is to contribute proactively to this work by hearing directly from children and families about the effect on them of being suspended or excluded. This report highlights there is more to do.

The right to education

Education is not only a fundamental human right but also a critical gateway to the realisation of other human rights. The Queensland *Human Rights Act 2019 (HRA)* protects the right to education, stating (section 36) that every child has the right to access primary and secondary education appropriate to their needs. This law is read and interpreted in conjunction with international law and judgements of domestic, foreign, and international courts.¹² A quality education better enables the use of civil and political rights, cultural rights, social and emotional well-being, and economic rights.

Australia ratified the UNCRC on 17 December 1990, requiring compliance with its provisions under international law. Article 28 articulates states' obligations to recognise the right of children to education and states' duties to take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity (article 28(2)).¹³ Article 29(1) is about the need to prepare for a responsible adulthood, which includes:

- › developing the full potential of the child (29(1)(a))
- › respect for human rights (29(1)(b)), an enhanced sense of identity and affiliation (29(1)(c))
- › his or her socialisation and interaction with others (29(1)(d)) and with the environment (29(1)(e)).¹⁴

Article 13 of the International Covenant on Economic, Social and Cultural rights recognises that education is directed to the full development of the human personality, enabling all to participate effectively in a free society.¹⁵

These articles should all be read in the context of Article 3 of the UNCRC: that the best interests of the child shall be a primary consideration. Collectively, these articles emphasise the role of education in the development of the child's personality, talents, and abilities towards responsible adulthood and the administration of discipline consistent with the child's human dignity.

One framework for conceptualising how education rights may be implemented in practice, is the "4As" framework. The framework shows that to be fully realised as a universal right, education must be:

- › **Available:** adequately resourced for the number and diversity of children and with sufficient appropriately trained educators
- › **Accessible:** non-discriminatory and available to all, with finances, background, or location of the family no obstacle
- › **Acceptable:** respect for diversity, learner rights, standards for discipline and for professional teacher education
- › **Adaptable:** can evolve with the changing needs of society and students and meet the needs of Indigenous children, refugees, migrants and children with disabilities.¹⁶

Education rights can thus be categorised as:

Rights **to** education
(available and accessible),



Rights **in** education
(acceptable and adaptable) and



Rights **through** education (adaptable).¹⁷

SDAs and quality education

SDAs are not an effective way to manage good order in a school, and indeed can be discriminatory, because they are disproportionately issued to certain cohorts of students. There is consistent evidence about the positive relationship between class cohesion and achievement:¹⁸ where class cohesion is marked by tolerance, welcoming of error, feedback, goal setting, success criteria and positive teacher-student and student-student relationships.¹⁹ Research demonstrates the effect positive or negative teacher expectations can have on student achievement.²⁰

A synthesis of over 800 meta-analyses related to school achievement found the teacher, curricula, and the teaching experience were the main contributors to good educational attainment.²¹ The teacher-student relationship was found to be one of the most powerful moderators of improved classroom climate and quality classroom management outcomes.²² The evidence showed that teachers with the skill and attitude to be directors of learning were more beneficial for student achievement than removing a student who was disruptive to their and their peers' learning.²³

SDAs and inclusive education

Systemic disadvantage will result in lower participation and reduced success for affected students.

Recommendations from the 2023 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission) called for a transformation of Australia's education sector. The Royal Commission found that Australian schools did not consistently deliver an inclusive education that protected students with disability from violence, abuse and neglect.²⁴ Students with disability were seen to face multiple barriers to inclusive education, underpinned by negative attitudes and low expectations. The Royal Commission found that schools systematically excluded students with disability by:

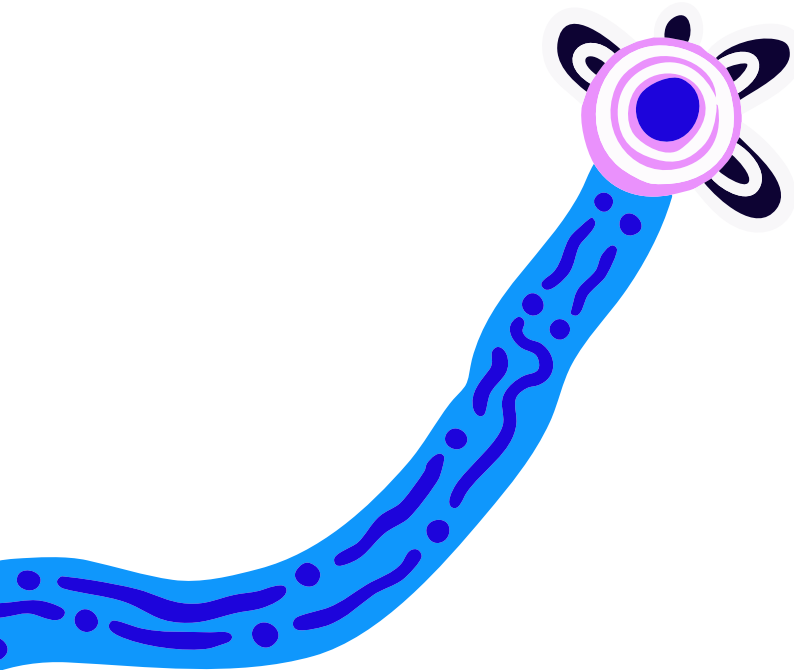
- not providing proper adjustments and supports to enable their participation in classrooms and in the broader school community
- not engaging students with disability and their parents in decision-making
- using and misusing exclusionary discipline on students
- not planning and supporting students' transition to further learning and work.

The Royal Commission recommended legislative and policy changes, improved procedures and support services, and changes to culture, capability, and practice "on the ground". It recommended enhanced workforce training and support, improved use of data, stronger oversight, and greater accountability. The Royal Commission recommended that state and territory educational authorities review all regulations, rules, procedures and other instruments regulating "exclusionary discipline" and avoid its use on students with a disability unless necessary as a last resort to prevent serious harm to the student, other students, or staff. In considering the use of exclusionary discipline, schools were asked to reflect on the effects removal from the classroom would have on young children, whether reasonable adjustments had been implemented and if there had been consultation with the student and their family, carers, or supporters.



The Royal Commission also recommended a robust appeals process, escalation to independent case management and amendment of the *Federal Disability Discrimination Act 1992 (Cth)* to cover “suspension and exclusion” as well as expulsions.

A Federal Government review (2023) to inform a better and fairer education system highlighted the success of “full-service school” models in strengthening connections between schools and services like health and disability support. It recommended that such models be more widely implemented in the most disadvantaged communities.²⁵







What we heard

The evidence supports the existence of a high correlation between the quality of teaching as perceived by the student and learning outcomes.²⁶ We heard that the voice of children and young people was rarely sought and when it was the feedback provided to teachers did not lead to improvements in teaching or more effective disciplinary responses.

The OATSICC spoke with children and young people about SDAs in a way that enabled them to express their views freely. The following sections report the perspectives of children, young people, and parents in response to a series of relatable questions (see Appendix A) about their lived experience of:

- the impacts of experiencing an SDA
- the rights of children and young people experiencing an SDA
- alternatives to the use of SDAs.

Children and young people we met with expressed their understanding of rights in an intrinsic and lived way. They spoke about the fundamental importance of fairness, dignity, and respect—values that aligned closely with human rights conventions such as the UNCRC. Their experiences and perspectives reflected a deep, inherent expectation that schools should uphold principles of justice, inclusion, and accountability. In our discussions about school disciplinary processes, children and young people framed their experiences in the following ways:

- enable and support our participation
- protect and promote our best interests
- develop us
- respect us.

Enable and support our participation

Article 12 of the UNCRC states that children have the right to express their views freely in all matters affecting them and for those views to be heard in proceedings affecting them. Children can learn about their rights through the curriculum but also through their experiences of rights being practically implemented within the school environment.²⁷

The *Principal guidelines – student discipline* issued by the department, state that “all parties involved need an opportunity to present their version of events”²⁸ and schools must ensure the student and parent are offered the opportunity to discuss the allegations and respond prior to the principal making a disciplinary decision.²⁹ However, many of the children and parents we spoke with did not feel they had been actively involved in SDA decisions made by their school. When viewed within the broader context of a child’s life experience, processes that silence and dismiss the capacity of children (and families) to participate may deepen the negative emotions of those who have already faced adversity and who are not routinely listened to.

“I think communication, like I think um you know, there was no communication beforehand or even after. It was just that one phone call to say [de-identified]’s been suspended, come and get her and then nothing after.....or nothing during.....of what supports are you doing for her, instead of just telling me she’s got anger management, like anger issues, she needs to go to this course before she can re-enter the school...”

Children are the experts in their lives and taking their voices seriously provides deeper understandings and genuine solutions to poor behaviour. However, in our conversations we heard little evidence that they clearly understood the reasons for the SDA or that they were meaningfully involved in the decision-making process. Children and parents instead reported a lack of information at the time of receiving suspensions and while serving suspensions.

“Oh well, I didn’t really know what to do ‘cause I didn’t – I didn’t really know what suspension like really...what it meant.”

Office of the Aboriginal and Torres Strait Islander Children's Commissioner

"Like give us a direction on the work that we're doing. Especially during exam time."

When processes used to support SDAs do not practically demonstrate to children their rights, then we move from valuing quality education to simply implementing behaviour management.

While not part of the scope of this research, it is important to note that listening to a child is not only important for those who may have misbehaved, but also for children who may have been affected by that misbehaviour. SDA processes that limit the voices of all affected children are problematic when wishing to build quality learning environments. This was a perspective that we heard from the following participant:

"Um, don't automatically like assume, like get both sides from the two people...and not just like get the one side and take the whole like one side and just believe that...and figure it out with both kids...like resolve it from everyone talking, you know."

The right to participation in matters affecting them means children and families must be informed and consulted about those matters and have the opportunity to express their views or complain. This ensures their best interests are being served.³⁰ A core object of the Act is the participation of parents in the life of the school and students' education.³¹ In this way the Act aligns with the UNCRC and the indispensable, interconnected nature of the rights and responsibility of parents (Articles 5 and 18) to a child's right to achieve their fullest development through education (Article 29(a)). However, we heard a consistent lack of information flow to parents with children involved in an SDA:

"I do believe that [the suspension process] does need to be looked at, in terms of, I feel like I needed to be contacted. I didn't know anything 'til after the fact. I feel like there could have been a lot of things that could have been prevented, um, if I was contacted. Um, if the transitional plan was taken a little bit more seriously, a lot of things could have been avoided. Um, until, I guess, letting it just blow up and it turning into what it did, and then him feeling more and more isolated and different...to the fact that every time now he steps into the classroom, you know, he felt unheard and unlistened to. Um, so, I guess, contacting me instead of me just getting an email after the day."

Being informed is an important basis for learning and the necessary pre-condition for a child to understand what is expected of them. We heard of many instances where minimal steps were taken to ensure that children and young people understood that, even when receiving a suspension, they still had rights. When students understand their rights and are actively engaged in decision-making, it promotes fairness, accountability, and trust in the system. Queensland Advocacy for Inclusion and the Aboriginal and Torres Strait Islander Legal Service have found the current review and appeals process regarding SDAs lacks appropriate oversight.³² This is concerning given exclusionary practices can have serious consequences and, without student participation, these decisions risk being unnecessary, unfair, misunderstood, or unnecessarily harmful. Ensuring students are informed respects their rights but also leads to more effective, just, and education-focused disciplinary approaches.

Protect our best interests

Queensland schools have an obligation to protect every child without discrimination, ensuring they receive the necessary care and support that serves their best interests.³³ Most children, young people and parents we spoke with affirmed that maintaining school participation was in the child's best interests. Section 258 of the Act outlines a principal's requirement to ensure the continuation of education for a suspended student. However, of the children we spoke to for this research, three in four who talked about support for learning while suspended did not feel they received the support they needed. In response to a question about the provision of learning materials while suspended we heard:

"Not at my school... just told me to stay home."

A few students who were given learning materials while on suspension said:

"Um yeah, I did homework, just finished it. After that I just – I just did anything really."

"Yep, but I didn't do it."

"I'm pretty sure a couple teachers sent work emails, but I didn't have any computers or anything to access."



A child rights perspective helps to highlight where there may be concerns about the fairness and inclusivity of disciplinary processes in schools. Children and young people perceived these processes as exclusionary and unsupportive, raising questions about whether they align with the principles of non-discrimination, participation, and the best interests of the child, as outlined in the UNCRC.

Punitive measures such as suspensions and exclusions do not address the underlying causes of behavioural challenges. Instead, they marginalise students and deny them the support they need to thrive. To create a more inclusive and equitable education system, there must be a shift from exclusionary disciplinary practices to restorative, rights-based approaches that affirm every child's fundamental right to education. This promotes accountability, learning and meaningful engagement rather than exclusion, disengagement and, for a few, contact with the justice system.

Develop us

Development in its broadest sense is a holistic concept, embracing a child's physical, mental, spiritual, moral, psychological, and social development.³⁴ Children we spoke with understood that being at school was vitally important to their development, equipping them for success in life. Quality education is also holistic and applies to curriculum, the educational processes, pedagogical methods, student engagement and the environment where education takes place.³⁵ Education in this context goes far beyond formal schooling to embrace the broad range of life experiences and learning processes which enable children, individually and collectively, to develop their personalities, talents and abilities and to live a full and productive life within society.

These broader benefits were consistently raised by children:

"Being with other students. Like, you're not alone [...]. Like you don't come to school and expect yourself to be like, by yourself."

"Probably just seeing my friends, like happy, spending time and doin' much [as] I could do with other people."

"Having fun... hanging with mates [and] playing footy."

These quotes highlight the value children and young people place on their social relationships and the role this can play in their healthy development. The curriculum was also viewed as valued aspect of school experience:

"Um, I like – I like my cooking class. Um, at the moment, in Year 12, I have really great teachers, so I love all my teachers."

Schools are not only places of learning, but they are also vital spaces for positive relationships and social development. We know that for some children school is their safe place. This knowledge only further elevates the importance of educators as positive role models and trusted adults in children's lives. When schools provide a safe, nurturing, and inclusive environment, they can foster a sense of belonging and emotional wellbeing which is essential for a child's overall development.

The effects of experiencing SDAs

The process of implementing disciplinary processes in education has significant and far-reaching impacts. We heard that approaches to SDAs are often limiting the rights of children who may already be struggling at school. More immediately, suspension or exclusion can lead to feelings of frustration, loneliness, boredom, and injustice. For a small number of children and young people, school disengagement increases the risk of contact with the criminal justice system.^{36,37} For some children, the short-term impacts of SDAs are connected with life-long socio-economic and health effects.^{38,39}

Children categorised their experiences of SDAs in the following ways:

- there are reasons for our behaviour
- there are short-term impacts of school discipline
- there are long-term impacts of school discipline.

Experiences behind behaviour

Childhood is a time of significant learning and growth, fundamental to positive development into adulthood. This makes it vitally important that school-based disciplinary procedures maintain a commitment to quality education.

When considering whether to suspend or exclude a student, principals must consider the child's individual circumstances such as behaviour history, disability, mental health and wellbeing, religious and cultural considerations, home environment and care arrangements. Many of the children and young people we spoke with had disabilities and/or were in care. A key message was that there were reasons for their behaviours at school. They suggested that simply talking to them earlier or providing them with better support might have made a significant difference in their lives.

"I would say like don't jump straight to suspending the student, like sit down and have an actual like conversation about what they're struggling with and why they're doing it."

"...check up on like every student, like you know, you never know what they're going through..."

"Honestly, talking to us, like, and seeing what the f--k is actually wrong."

How schools respond to difficult behaviours will shape the learning experience or the risk of disengagement. When a child is suspended or excluded from school for reasons they perceive to be unfair, what is learned may be negative, and additionally so if they are absent from meaningful participation in the decision.

"Like I don't think you should be suspended for like wagging. Like I reckon like the kids got to be wagging for a reason like I was wagging because I didn't understand the schoolwork and I just didn't want to be in class because I just felt like stupid."

The response shows that this young person could see the absurdity of the imposed disciplinary response (removal from school) to the behaviour (staying away from school) and that the decision ran counter to the child's best interests – in this case needing more help at school.

"[I didn't] understand and then they explain it and then I still [didn't] understand, and they just keep explaining it that way."

Teacher capacity and capability are pivotal in determining education outcomes for students. The Royal Commission found that when educators lacked the means to support students struggling at school, this could lead to the use of punitive measures rather than addressing root causes of behaviour.⁴⁰ As such, teacher capacity and capability to implement appropriate disciplinary processes which respond to and deal with root causes could provide quality educational outcomes and circumvent the need for SDAs.

Short-term effects of disciplinary responses

Many children and young people talked about the immediate impacts on their emotions of experiencing an SDA, but also their impressions of justice and fairness:

"Ah, I was just tired, ah bored, 'cause I had nothing to do, so I just had to sit in my room."

"Didn't feel too bad I guess. Like, didn't – I was kind of pissed off but."

"Annoyed. It was just unfair. I just reckon it was unfair circumstances as well as they didn't even speak to me about it."



Our view is that school disciplinary processes that leave students with feelings of injustice and unfairness are likely to negatively affect future school behaviour.

SDAs can also have health effects:

"Feel like loneliness [...] Um, just made my mental health worse."

Unsupportive or exclusionary processes have the potential to exacerbate pre-existing health issues for students. This highlights the importance of having specific expertise at schools to support children in a trauma-informed manner.

Children and parents both highlighted this need:

"In my opinion and experience. I do not blame any particular teacher, or principal. It is the whole foundation of how the school system is designed. [There is a] lack of knowledge, lack of funding, that needs to be strategically spent on real change like ADHD Coaching or funds being allocated towards staff training, on teaching outside of the traditional style of teaching."

"Um, everybody gets – you know, everyone should get support, instead of, you know, just like the ones who are easy to help. because I wanted to finish school, but they didn't see that. That was the biggest problem."

"A teacher that would believe and understand me, because all the teachers, most of them hated me so they're like all against me."

Longer-term effects of disciplinary responses

Research highlights the demotivating effects of the experiences outlined above as precipitators of decreased commitment to the goals of learning, receiving feedback, and participating.⁴¹

We heard experiencing an SDA can erode the value a young person places on participation in education. The following response received by a young person who was asked to reflect on how they felt about being absent from school due to multiple suspensions highlights the point:

"Well, when I – when I was in high school, I loved it. Not in primary school though because I liked primary school."

"I don't know, I used to be so social but now, now, I don't like being around people. Last time I was around like, like a big crowd of people was like Kmart and I lost my s--t."

Receiving multiple suspensions fundamentally changed this young person's perspective about being away from school. A child's loss of their 'love' for school will always run counter to quality education outcomes. For many of the young people we spoke with, their experience of a school disciplinary process that failed to consider their circumstances, was not trauma-informed, and diminished the value and motivation for quality education, had created a multitude of ongoing impacts for them individually as well as and their school communities more broadly.







Analysis of what we heard

The following section provides a thematic analysis of what we heard from our conversations with children, young people, and their families. These themes build on the categories of information we heard and aim to provide child-rights informed guidance to improve outcomes in school disciplinary absences:

- › right to education (availability and accessibility)
- › rights in education (acceptability and adaptability)
- › rights through education (adaptability).

Right to education

There can be no right to education without the corresponding government obligation. Teachers play an important role in making quality education available.

Availability

The evidence is both stable and positive about the relationship between class cohesion and achievement;⁴² where class cohesion is marked by tolerance, welcoming of error to promote feedback, goal setting, success criteria and positive teacher-student and student-student relationships.⁴³ Decreasing disruptive behaviour is a function of teacher core competencies not removing individual students.⁴⁴

Both capacity and capability were seen as a barrier to their positive contribution in this respect. Teacher training should set teachers up to positively apply flexible or inclusive learning approaches for children and young people with numerous learning needs. Teachers dealing with high class numbers and workloads were heard to be hindered by lack of resources and funding to implement teaching styles that met the needs of individual children.

Previous evidence highlights that when educators lack the knowledge to support students who need a different learning approach this can lead to punitive measures rather than addressing the root causes of behaviours.⁴⁵ We consistently heard during this research that inflexible learning environments negatively contributed to student behaviour that preceded many of the disciplinary responses that children, young people and parents spoke about. This leads us to the view that teachers and educational leaders more broadly need not only training, but applied expertise in areas such as:

- › cultural safety
- › working with children with disabilities
- › children's human rights
- › trauma-informed practices.

Accessibility

Disciplinary processes should fully recognise the inherent vulnerability experienced by children and aim to understand and act from a place of a child's needs, rather than simply what they have done.

Under the Act, principals are the only department staff members, apart from the Chief Executive (Director-General), who can make SDA decisions. The very lengthy *Principal guidelines – student discipline* reference the Human Rights Act, stating SDAs should be a 'last resort' when other interventions have failed. The guidelines affirm that suspensions or exclusions will limit a child's right to education. Instead of then outlining ways to uphold the rights of all involved, principals are guided to section 13 of the Human Rights Act to consider if a limit on the child's human rights is 'reasonable and justifiable' to protect the rights of others.⁴⁶

Children should experience educative processes, inclusive of those related to discipline, which uphold both their individual rights and those of the broader school community. Education leaders are responsible for creating disciplinary processes which meet this balance.

In 2023–24 the Human Rights Act accepted and finalised 72 discrimination complaints that were related to education broadly. Of these, 52 related to 'impairment' (disability), an increase from 27 complaints in the previous year. There were six complaints of education-related religious discrimination and five of race discrimination.

Rights in education

A fundamental premise of the acceptability of education is that it can demonstrate quality as noted in the Act.⁴⁷ A synthesis of over 800 meta-analyses related to school achievement found the teacher, curricula, and the teaching experience students receive are the main contributors to quality educational attainment.⁴⁸

Acceptability

The objects and principles of the Act establish the structural commitment to provide Queensland children with universal access to high quality education.⁴⁹ This is inclusive of behaviour management practices and disciplinary processes.

Our conversations with children, young people, and parents heard that in Queensland schools, disciplinary processes may fall short of this objective. There is considerable space in the Act given over to good order and management in state and non-state schools (Chapter 12) and specifically SDAs, with limited attention to other ways of maintaining good order and no explicit link back to the objects. There is a shift in language from 'quality education' in section 5(1)(a) to simply 'access to an educational program' once a student is suspended (section 294).

The ability of children, young people and parents to participate and be heard in disciplinary matters is central to meeting the educational needs of children. Our findings appear to show that SDAs exclude students and parents from the disciplinary decision-making process. There is a lack of clarity about what information is used in decision-making processes and the significance and relevance of that information to improving education outcomes. SDA processes described by participants in this research indicated they would benefit from approaches that more fully recognise the inherent vulnerability experienced by children and act from a place of a child's needs, rather than merely focussing on the behaviour or offence committed.

Adaptability

School disciplinary processes should be attuned towards developing the life skills of students to make well-balanced decisions; to resolve conflicts in a non violent manner; and to develop a healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents, and other abilities which give children the tools needed to pursue their options in life.⁵⁰

Our education system must adapt to an educated, globalised, diverse, multicultural community. Children, young people, and parents we spoke with indicated that disciplinary processes should more closely align with the need to realise a child's human dignity and rights, consider special developmental needs, and diverse evolving capabilities.

Participants consistently demonstrated how educational rights were integrally connected to other rights. School disciplinary processes exist within a broader framework of obligations and accountability as shown in the following table.



| Table 2. The alignment of UNCRC with HRA and Queensland Education Act |

UNCRC	Human Rights Act	The Act
<ul style="list-style-type: none"> > Protect children from discrimination (Article 2) 	<ul style="list-style-type: none"> > Every person has the right to equal and effective protection against discrimination. (s15(4)) > Measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination. (s15(5)). > Every child has the right, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child. (s26(2)) 	<ul style="list-style-type: none"> > Universal access to high quality education (5(1)(b)) > Safe and supportive learning environments (s5(2)(b)) > Education should provide positive learning experiences, promote a safe and supportive learning environment, and recognise students' educational needs (s7(b))
<ul style="list-style-type: none"> > Uphold all children's best interests (Article 3) 	<ul style="list-style-type: none"> > Every child has the right, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child. (s26(2)) 	<ul style="list-style-type: none"> > Ensure education programs are responsive to the individual needs of children and young people; (s5(2)(c)) > The State, parents, teachers, school communities and non-government entities should work collaboratively to foster a commitment to achieving the best educational outcomes for children and young people (s7(d))
<ul style="list-style-type: none"> > Realise parents' and guardians' rights and responsibilities to participate in the child's life (Articles 5 and 18) 	<ul style="list-style-type: none"> > Families are the fundamental group unit of society and are entitled to be protected by society and the State. (s26(1)) 	<p>Achievement of high-quality universal education is achieved by (among other things):</p> <ul style="list-style-type: none"> > placing responsibilities on parents and the State in relation to the education of children and young people (s5(2)(a)) > encouraging a parent's involvement in his or her child's education (s5(2)(d)) > encouraging parental and community involvement in the operation of State educational institutions (s5(2)(e))

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UNCRC	Human Rights Act	The Act
<ul style="list-style-type: none"> ➤ Support and enable children's ongoing development (Article 6) 	<ul style="list-style-type: none"> ➤ Every child has the right to have access to primary and secondary education appropriate to the child's needs (s36(1)) ➤ Every person has the right to have access, based on the person's abilities, to further vocational education and training that is equally accessible to all (s36(2)) 	<ul style="list-style-type: none"> ➤ A child is of compulsory school age if the child is at least 6 years and 6 months, and less than 16 years (s9) ➤ ensure education programs are responsive to the individual needs of children and young people (s5(2)(c)) ➤ For each student, there must be provided an educational program that has regard to the age, ability, aptitude, and development of the student (s12(1)(a))
<ul style="list-style-type: none"> ➤ Uphold children's right to be heard in administrative proceedings affecting them (Article 12(2)) 	<ul style="list-style-type: none"> ➤ Every person has the right to hold an opinion without interference (s21(1)) ➤ Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Queensland (s21(2)) 	<ul style="list-style-type: none"> ➤ Children and young people should be actively involved in decisions affecting them to the extent that is appropriate having regard to their age and ability to understand (s.7(c))
<ul style="list-style-type: none"> ➤ Uphold rights of children with disability to a full and decent life (Article 23) 	<ul style="list-style-type: none"> ➤ Measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination. (s15(5)) 	<ul style="list-style-type: none"> ➤ Universal access to high quality education (5(1)(b))



UNCRC	Human Rights Act	The Act
<ul style="list-style-type: none"> ➤ Uphold right to culture (Article 30) 	<ul style="list-style-type: none"> ➤ All persons with a particular cultural, religious, racial, or linguistic background must not be denied the right, in community with other persons of that background, to enjoy their culture, to declare and practise their religion and to use their language (s27) ➤ Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights. (s28(1)) ➤ Aboriginal peoples and Torres Strait Islander peoples must not be denied the right, with other members of their community, to enjoy, maintain, control, protect and develop their identity and cultural heritage, including their traditional knowledge, distinctive spiritual practices, observances, beliefs and teachings (s28(2)(a)) ➤ Aboriginal peoples and Torres Strait Islander peoples have the right not to be subjected to forced assimilation or destruction of their culture. (s28(3)) 	<ul style="list-style-type: none"> ➤ Universal access to high quality education (5(1)(b))

The department's Equity and Excellence strategy (2022) is intended to implement differentiated support for students, embrace diversity and value student, parent and community voices. How equity and excellence is integrated with disciplinary processes is not made transparent.

While educational leadership and teaching expertise is emphasised in the strategy, enhancing teacher capability to realise children's rights to a quality education is necessary to overcome the intersectional ways in which children may experience discrimination.

Rights through education

It is from a clear vision of the inter-relationship between rights to education and rights in education that rights through education become possible. Adaptability is central to children realising their educational rights through education.

Article 29 of the UNCRC requires that schools integrate child rights education into both the curriculum and everyday school practices, ensuring children learn about their own rights and the rights of others in meaningful ways.

Child rights curriculum

The holistic development of a child's full potential through education should include development of respect for human rights through an enhanced sense of identity and affiliation.⁵¹ The responses of children and young people highlighted the absence of understanding about their human rights. Education aimed specifically at increasing children's understanding about their rights is central to development of respect for the rights more broadly of other students, the school community and society at large.⁵² In this sense child rights education should be both through the delivery of a set curriculum as well as the practical experience of rights through the learning and disciplinary processes.

Alternative practices

We heard the need for alternatives to SDAs that embed children's rights into everyday practices. The participation of children in school life, inclusive of school disciplinary processes, should be promoted as part of the process of learning and experiencing the realisation of rights.⁵³ While the **Every day counts** student attendance campaign, homework centres, and a range of engagement and re-engagement programs are designed to maintain student contact with learning,⁵⁴ these initiatives continue to show a lack of effectiveness for some cohorts of students as demonstrated in SDA data.

What we interpret to be a particularly insightful finding made by some participants was the need for disciplinary processes to be restorative. Reparative or restorative practices help to serve both the best interests of children and the short and long-term interest of the broader society.⁵⁵ We heard that all timepoints (before, during and after) the disciplinary process needed to be restorative. Rights-affirming approaches such as restorative practices help to balance rights that can otherwise be perceived to be in conflict, through methods like promoting children's -voices and accountability, conflict resolution, problem-solving and reintegration. The restorative process itself has vast educational value⁵⁶ and starts from a position of mutual respect. Examples of such practices include community circles, peer mediation, and conferencing. Reintegration back to school must be a goal.





Conclusion

Positive school outcomes benefit not only the individual student but also the broader society. Despite knowing that SDAs do not address the underlying issues faced by the child being removed, they continue to be used, disproportionately affecting particular cohorts of students. Research shows that unnecessary suspensions lead to poorer mental health, increased criminal justice involvement, prolonged unemployment, stigma and rejection.^{57,58} At the same time, maintaining attendance and engagement with school is seen to be very important, as evidenced by the range of student engagement programs offered and an ongoing campaign run by the department about the importance of daily attendance.

The purpose of education extends beyond strict academic achievement or knowledge transfer. It is a fundamental right that fosters a child's healthy development, dignity, and sense of belonging. In all disciplinary decisions, consideration should be given to the right to education (Article 28), the preparation of the child for responsible life (Article 29) and the right of children to be heard in matters affecting them (Article 12) in the UNCRC.

We heard that improvements to this situation will require both strategic and operational considerations. This could include changes to the disciplinary process to adopt the values of child rights and child-centred education across legislation, policy, and procedure. This would require a focus on the capacity and capability needs of educators, teaching children about their rights and incorporating restorative and relational practices.

The children and parents we spoke with felt excluded from the SDA process leading to a risk that decisions lacked crucial information. They also emphasised the need for regular communication about options, the maintenance of support plans, with parental input and involving children in the development of school policies that will affect them.

The lack of involvement resulted in an inability by children or families to offer improvements or alternatives, or question, complain or appeal a decision. Several suggested in-school detention as an alternative to suspension. This would allow students to maintain contact with peers and the life of the school and ensure they had access to databases and learning materials.

Connections between schools and support services need to be far stronger. Too often, schools receive children with undiagnosed or untreated disabilities and health issues.⁵⁹ The Australian Early Development Census (AEDC), where teachers of children in their first year of full-time school complete a research tool about their students,⁶⁰ showed that just 51.7 per cent of Queensland children were considered developmentally on track on arrival at school. Meanwhile, 13.6 per cent of Queensland children were considered developmentally vulnerable in two or more of the five domains measured by the AEDC.⁶¹ The absence of collective, coordinated action to drive change to these results puts more load on schools and reduces the likelihood of positive life outcomes for these children. School campuses that also host health, cultural and disability supports should become the norm and be resourced appropriately.⁶²

A trauma-informed approach would better address children's needs. Instead, the current legislation stays focussed on a blunt and outdated approach to 'good order and management' emphasising the removal of 'difficult' children from the environment with insufficient thought given to the consequences for that child, their family and the broader society.

What is possible for our children should not be limited by what is available within current structures. Consistently, feedback through this project told us that disciplinary processes should not only align more closely with the educational rights of children but also consider the interconnectedness of these rights to all other rights. Including children, not excluding them, will lead to a more rights-aligned, child-centred approach to a broader range of school disciplinary processes that will ensure high-quality education helping all children meet their fullest potential.

Appendix A

Methodology

Our research used qualitative and exploratory methods to understand children and young peoples' perspectives and to identify new and emerging knowledge. The OATSICC aimed to answer three questions from the lived experience perspective:

- What were the impacts of experiencing an SDA?
- How are the rights of children and young people from the identified student cohort being protected and respected, or violated?
- What alternatives could the school or education system implement, in line with Queensland's human rights obligations, to better support children and young people who are experiencing SDAs?

How we worked

In November 2023, the OATSICC received ethics approval from the Children's Health Queensland Human Research Ethics Committee to commence this project. Following ethics approval, we consulted with various non-government youth support and advocacy services in Queensland to assist with recruiting children and young people to interview.

Contact was made with education providers, advocacy services and not for profit organisations already working with children to help with recruitment. They in turn spoke with children and young people to let them know the QFCC wished to interview them about their experiences of school and SDAs, that participation was voluntary, but they would be given a small incentive if they participated. This gave the children and young people time to consider their participation. At the commencement of interviews, consent forms were completed. The recruiting organisations could also determine the appropriateness of recruiting each participant and identify additional supports that may be required.

Interviewers had the necessary experience, skills, and supervision to engage positively with children and young people.

Interviews were conducted either one-on-one or in small groups depending on the child or young person's preference. Participants were interviewed face to face, online or by phone, depending on their circumstances and preferences. Face-to-face interviews with children took place at locations familiar to them.

Interviews were conducted in the middle of 2024.

We also obtained quantitative data on SDAs in state schools from 2018–2023 from the department. This data was provided in July 2024. We requested a breakdown for our three cohorts of interest: First Nations children, children with disability, and children living in out-of-home care.

What did we talk about?

Interview questions

Researchers used a structured set of questions to guide the interviews:

1. Did you feel happy when you were in school? What made you happy? What made the time that you were in school enjoyable?
2. Were you suspended or excluded or not in school at one or more points in your life? What grade were you in when it first happened?
3. How did you feel at the time that you were not going to school?
4. Did your school provide you with any learning activities/ homework whilst you were not in school?
5. Did you go back to school after? Why/ why not?
6. If so, do you feel you received enough support when going back to school?
7. What's happening for you now?
8. What could have helped instead of being suspended or excluded from school?
9. What do governments need to do better to support students that are in school? Or to prevent them from being excluded from school?
10. Is there anything else that you would like to share with us?



Appendix B

About the Office of the Aboriginal and Torres Strait Islander Children's Commissioner

Under the *Queensland Family and Child Commission Act 2014*, the responsibilities of the two Commissioners include:

- promoting the safety, wellbeing and best interests of children and young people
- promoting and advocating the responsibility of families and communities to protect and care for children and young people.⁶³
- engaging with, and taking account of, the views of children, young people, and their families.⁶⁴

Under the *Queensland Family and Child Commission Act 2014*, the Aboriginal and Torres Strait Islander Children's Commissioner (the Commissioner) is functionally and operationally independent and must not be directed by any person in the performance of their statutory functions.

The Commissioner's vision is that:

- Aboriginal and Torres Strait Islander children grow up strong in their identity, culture, and community, free from systemic racism and discrimination. They are safe, nurtured, and thriving in their families, with systems designed to support, not separate. They exercise their rights, participate in decision-making, and contribute to solutions that are aligned to their identities and aspirations.
- The child protection and youth justice systems are defined by early intervention, Aboriginal and Torres Strait Islander family-led solutions, and culturally safe care.
- The Queensland Government strengthens accountability by integrating child rights into policy, legislation, and service delivery.

The OATSICC supports the Commissioner. The Office is committed to driving systemic change, informed by First Nations knowledge and leadership, and to engaging communities, stakeholders, and governments in meaningful reform to advance children's rights.



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