



SPANZ

SECONDARY PRINCIPALS' ASSOCIATION OF NEW ZEALAND INC.

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President's Comment 22



President
Peter Gall
Papatoetoe High School

Dear Colleagues

Many of you will be aware of a recent High Court judgement relating to a student suspension case. The judgement went against the school and this decision effectively extends the rules of natural justice as they relate to the student disciplinary process. SPANZ is supporting an appeal against the judgement but in the interim it is recommended by Richard Harrison and Gretchen Stone (SPANZ lawyers – Harrison Stone Lawyers) that the following additional procedural steps are followed for stand-downs and suspensions:

1. Attendance of parents at the initial student interview conducted by the DP or AP. If a parent is not available or does not wish to attend, a support person such as a form teacher should be offered to the student.
2. Information provided by DP/AP to the principal should include:
 - a. memo outlining process followed, ie, parents invited to attend student interview, support person offered and a note of who actually attended;
 - b. interview notes and statements; and
 - c. pastoral care/background data — obtained either from the school database or a dean's report.
3. Principal should meet with parents before suspending.
4. The Principal should undertake his or her own inquiry on any aspect of the allegations that are denied.
5. The Principal's report to the Board should be accompanied by the documents listed in paragraph 2 above.
6. The Board should undertake its own inquiry on any aspect of the allegations that are denied.
7. Both the Board and the Principal to give consideration to background information about the student; not just limited to the offending.

Obviously you will need to discuss this issue with your DPs and APs or other staff members who are involved in interviewing students on disciplinary matters. We are aware of suspensions currently being challenged on the basis of the High Court decision and therefore these steps as listed should be undertaken in the meantime, until the appeal process has been completed and the procedural requirements of the disciplinary process confirmed.

Peter Gall
President