

Youth Law: School

This factsheet is designed to help young people learn their rights and obligations surrounding schooling in the ACT. If you are a young person with a matter concerning schooling, please call the **Youth Law Centre ACT** on **6173 5410** or **1300 654 314**.

Note: The Youth Law Centre (YLC) is Legal Aid ACT's dedicated service for young people under the age of 25. It is a free and confidential legal service.

Schools

Going to School

If you are between the ages of 6 and 17, you must go to school every day that school is open. You also must participate in school activities that are compulsory. You can only skip school if you have a good reason to do so – for example, illness. If your friend or guardian allows you to miss school or school activities without a good reason, they are breaking the law. If you are not able to attend school, you are required to let the school know you will not be at school on the day or for a certain period. Each school has its own attendance procedures.

Leaving School

You cannot legally leave school until you are at least 17 or have finished Year 12, unless you have enrolled in other education/training or full-time employment. All young people are required to participate in full-time education from 6 years of age until they complete Year 10. Once you complete Year 10, you can continue to complete Year 11 and 12. Alternatively you can participate in full time educational training or employment till you complete Year 12 or turn 17, whichever happens first.

If you want to leave school before 17 or in other words, after you complete year 10, you need to get permission from the ACT Department of Education and Training. You will need to get an Approval Statement saying you can complete work related training or employment after completing Year 10.

Follow the link to find out [how to apply for an Approval Statement](#).

You can also call the Department of Education on (02) 6205 3253 for more information.

Working while you are at school

There is no minimum age to start work. This means that you can start employment as early as you wish. However, there are strict rules and laws about the kind of work you can do and the number of hours you can work based on your age.

To find out more about your employment rights please check our Employment Law factsheet.

I'm being bullied at school – what can I do about it?

Bullying is **not** ok, and you don't have to put up with it. You have the right to feel safe, be treated with fairness and dignity and to learn and work in a safe, respectful and supportive school environment. If you feel threatened, or you are being bullied at school or outside school, you can tell someone at your school about what is happening to you. This may be your teacher, principal or some other person you trust and feel comfortable to share.

Bullying includes behaviours which are aggressive, unkind, mean, and/or deliberate. Bullying is not the same as having a disagreement with someone, or receiving respectful and constructive feedback, or a friend setting a boundary.

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We encourage you to call the Kids Helpline on **1800 55 1800** if you can't talk to someone face to face. They provide free phone counselling 24 hours a day/7 days a week. Alternatively, parents, carers and community members can raise any concerns with the ACT Education Directorate through the complaints and feedback unit online via the ACT Education Directorate contact form or by phone (02) 6205 5429.

Formal Complaints:

There are some other steps that you can take:

1. Lodge a formal complaint with your school (your school has a legal duty to do something about the bullying if it is happening at school);
2. Make a complaint to the Department of Education or other governing body [here](#);
3. Make a report to the police if someone has been or has threatened to be physically violent to you or sexually harassing you;
4. Seek protection via a Personal Protection Order to protect you from people who are stalking or bullying you; or
5. Take legal action.

What can I do if I have experienced discrimination?

Discrimination at school may include a school refusing to enrol you, denying you something that they provide to other students, and expelling you or subjecting you to a form of negative treatment due to for example your race, gender identity, disability, or religion.

If you have experienced discrimination, you should:

1. Tell your school principal. You can take a friend, teacher or parent with you if you like.

2. Keep a record of what happened, when it happened, who did it and the names of any other people involved.
3. Ask for a copy of your school's discrimination policy so you can make sure the school is following the policy.
4. If you don't think the school is following its policy, you (or your parents) can make a complaint to the school.
5. If you're not happy with how the school dealt with your complaint, you can take the matter further by complaining to your school's Regional Director; ACT Department of Education and Training (if it's a public school); board of governors (if it's a private school); or the Catholic Education Commission (if it is a Catholic school).
6. If the issue is still not resolved, you can make a complaint to either the Australian Human Rights Commission or the ACT Human Rights Commission (but you can only complain to one or the other). It doesn't cost any money to make a complaint but there are time limits. If you are under 25 years old, the ACT Human Rights Commission can give free legal advice, information, and referrals to local services at (02) 6205 2222.

What can I do if a school rule is unfair, or I have been treated unfairly?

If you feel you have been treated unfairly, you may have a right to appeal a particular decision. You should ask your parent or guardian to arrange a meeting with the school to find out the reasons why the school rule exists, or for them to explain why you were disciplined in a certain way. If you are still not happy after this meeting, you can consider making a further complaint to the Department of Education (for public schools) or the school's board or governance body (for private schools).

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Searches

Generally, teachers can only search you or your stuff if they have your permission or if they think the safety of others is urgently at risk (for example to stop someone being hurt or if they think you have something dangerous on you). Searching you is always a last resort and only used in serious cases.

If the teacher wants to search you in non-urgent situations, for example if they think you have a banned item (but not dangerous), they can ask to search you, but you don't have to agree. It's your right to refuse, but you may be disciplined, for example with a detention (or even suspension). Also, the school can always call the police who can search you without your permission.

Teachers can search your locker or desk without your permission because these things are generally considered school property. A teacher can search your bag with your permission or if they think there is an urgent risk to the safety of other students. You should check your school rules for more details about what the school can and can't do.

Confiscation

Generally, if you own something, it is against the law for anyone to take it away from you without your permission. However, schools can make rules regarding what you can and cannot bring to school, for example to prevent disruption to class.

Further, you don't have to hand something over to the teacher, but if they ask and you refuse, you're probably going to be disciplined for disobeying school rules (like having the banned item in the first place). You can ask your school for a copy of the rules and see what they say.

Also, your school can confiscate anything without your permission if it's dangerous or which poses an immediate threat to the safety of other students.

There's no law about how long teachers can confiscate your item for, but it should be returned within a reasonable time. You should check your school rules to see what they say about how long things can be confiscated for. If the thing is illegal, then the school may give it to the police, and then it's up to the police when you get it back. If the thing is illegal for under 18s to have, like alcohol, the school may give it to your parents instead of you.

The school also has a duty to keep things safe if they confiscate them. This means they should return them to you in the same condition as when they were taken from you.

Suspension, Transfer, and Exclusion from Government schools

A **suspension** is when a student must leave the school grounds for a short period of time (up to 20 days) but can return after that period.

Suspension (immediate or non-immediate), transfer or exclusion may be used to manage student behaviour where their behaviour compromises the safety or effectiveness of the school learning environment because it is unsafe or noncompliant.

The decision to suspend, transfer or exclude a student from an ACT public school is not to be used as punishment for negative behaviours. The only purpose is to ensure that ACT public schools are safe and effective learning environments.

A **transfer** is when a student is moved from one Government school to another and cannot return to the original school.

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You may be suspended or transferred if:

- You seriously interfere with the teaching/learning process;
- You are aggressive or physically or verbally abusive towards another teacher, or anyone who is involved with the school;
- You are involved with illegal activity; or
- You seriously misbehave.

A student will usually only be excluded from Government schools as a last resort for ongoing behaviours of concern, such as long-term disruption of the teaching or learning process.

Before you are suspended, transferred or excluded, the Principal of your school should take certain steps, including discussing the reasons for disciplinary action, ensuring you still have opportunities to keep learning, and writing to your parents or carers. If you do not agree with a decision to suspend, expel or transfer you from a Government school you can appeal the decision by following your school's internal appeals process. This ensures you are given procedural fairness, providing you with sufficient information about the decision-making process.

If you are at a non-government school, different rules may apply for transfers, suspensions, or exclusions. You should ask your Principal or Student Welfare Officer for a copy of these rules.

If you need assistance with a school matter, please call the **Youth Law Centre ACT** on **6173 5410** or **1300 654 314**.

Unhappy at school? Thinking about dropping out?

If you're not happy at school, it's a good idea to talk to someone about what's going on. You may want to talk to your school counsellor or career

counsellor.

You can also check out this article from Reach Out if you are thinking about dropping out:

<http://au.reachout.com/thinking-about-dropping-out#not>

Useful Contacts

Legal Aid ACT

Monday to Thursday: 8:30am to 7:00pm

Friday: 8:30am to 5:00pm

www.legalaidact.org.au

Phone: **1300 654 314**

Youth Law Centre

Monday to Friday: 8:30am to 5:00pm

ylc@legalaidact.org.au

Phone: **(02) 6173 5410**

Kids Helpline

www.kidshelpline.com.au

Phone: **1800 55 1800**