

Interrupted School Attendance and Multiple Suspensions

Executive Summary

The Australian Law Reform Commission has recognised that the ‘links between lack of employment opportunity, lack of educational attainment, and subsequent entry into the criminal justice system are well established.’¹

Research shows that the negative impacts of interrupted schooling may be varied:²

- Interrupting a student’s schooling can lead to lowered educational and employment outcomes.³ Diminished educational outcomes are a predictor for future contact with the criminal justice system.⁴
- Low educational engagement (both a symptom and a cause of suspension) has been linked to poor health and wellbeing outcomes.⁵
- Exclusion from the supervisory context of a school can reinforce existing feelings of marginalisation, particularly in students who are already experiencing challenges at school due to other underlying issues.⁶
- Absence of supervision can be a catalyst for an increase in antisocial behaviour⁷ and offending⁸ due to increased contact with antisocial peers⁹ and the vulnerability of young people to contact with police while unsupervised in public spaces.¹⁰

Suspension may indicate that a student is facing other underlying issues,¹¹ and exclusion from schooling may serve to compound existing, multifactorial forms of disadvantage experienced by vulnerable groups:

[T]he risk of being excluded from school is significantly higher amongst young people who are already facing disadvantage. These include young people in out-of-home care, young people with disabilities, Aboriginal young people, and young people living in some (although not all) suburbs with high rates of socio-economic disadvantage... In turn, being excluded from school increases the risk that these young people will become even more vulnerable and marginalised.¹²

The potential relevance of evidence of interrupted schooling and suspension in sentencing proceedings includes an assessment of *moral culpability*; moderating the weight to be given to *general deterrence*; and determining the weight to be given to *specific deterrence* and *protection of the community*. There may also be issues relating to the likelihood of *hardship in custody*, a finding of *special circumstances* and the shaping of conditions to enhance prospects of *rehabilitation*.

¹ Australian Law Reform Commission, *Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (ALRC Report No 133, December 2017) 63. See also Victorian Ombudsman, *Investigation into Victorian Government School Expulsions* (Report, August 2017) 78 [349].

² Youth Affairs Council Victoria, *Out of Sight, Out of Mind? The Exclusion of Students from Victorian Schools* (Preliminary Discussion Paper, May 2016) 7; NSW Ombudsman, *Inquiry into Behaviour Management in Schools: A Special Report to Parliament under s 31 of the Ombudsman Act 1974* (August 2017) xi.

³ Youth Affairs Council Victoria (n 2) 4; Department of Education (NT), *Every Day Counts: Northern Territory Government School Attendance and Engagement Strategy 2016–2018*.

⁴ Australian Law Reform Commission, *Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (ALRC Report No 133, December 2017) 63; Don Weatherburn, *Arresting Incarceration – Pathways out of Indigenous Imprisonment* (Aboriginal Studies Press, 2014) 78–9; Senate Finance and Public Administration References Committee, Parliament of Australia, *Aboriginal and Torres Strait Islander Experience of Law Enforcement and Justice Services* (Report, October 2016) 141.

⁵ Australian Institute of Health and Welfare, *Young Australians: Their Health and Wellbeing* (2011) 124.

⁶ Youth Affairs Council Victoria (n 2) 7; NSW Ombudsman (n 2) xi; Sheryl A Hemphill, David J Broderick and Jessica A Heerde, ‘Positive Associations between School Suspension and Student Problem Behaviour: Recent Australian Findings’ (Australian Institute of Criminology, Trends & Issues in Crime and Criminal Justice No 531, June 2017) 9. See also Daniel Quin and Sheryl A Hemphill, ‘Students’ Experiences of School Suspension’ (2014) 25 *Health Promotion Journal of Australia* 52, 53.

⁷ Daniel Quin (n 3) 1; Youth Affairs Council Victoria (n 2) 7.

⁸ Tony Beaton et al, *Larrikin Youth: New Evidence on Crime and Schooling* (Centre for Economic Performance Discussion Paper No 1456, November 2016).

⁹ Sheryl A Hemphill, David J Broderick and Jessica A Heerde (n 4) 9.

¹⁰ Rob White, ‘*Young People, Community Space and Social Control*’ (Conference Paper, National Conference on Juvenile Justice, 22–24 September 1992).

¹¹ Youth Affairs Council Victoria (n 2) 7; NSW Ombudsman, NSW Ombudsman, *Addressing Aboriginal Disadvantage: The Need To Do Things Differently - A Special Report to Parliament under s 31 of the Ombudsman Act 1974* (October 2011); NSW Ombudsman (n 5) xi; Daniel Quin (n 3) 1.

¹² Youth Affairs Council Victoria (n 2) 7.