

Interrupted School Attendance and Suspension

The purpose of this document is to collate published research, the findings of government reports and inquiries, and academic commentary in relation to interrupted school attendance, premature school leaving and suspension, and the effects this may have on a person's behaviour; development; physical, mental and social well-being; and links to contact with the criminal justice system.

Introduction

- 1 Published research suggesting links between interrupted schooling and entry into the criminal justice system has a long history. In 2013, the [Tasmanian Commissioner for Children](#) cited the Children's Defence Fund, a US organisation that in 1974 found:

[S]uspension and other forms of exclusionary discipline were associated with decreased student academic success and an increased risk of juvenile delinquency, and that exclusionary discipline was used disproportionately against poor, minority and special education students.¹

- 2 The vast majority of children and young people interviewed in the [2019 report of the Office of the Advocate for Children and Young People \(ACYP\)](#) self-identified that long and multiple suspensions were a reason for their conflict with the law.² A key recommendation of that report was that alternatives to long suspension should be introduced.³

- 3 The Victorian Ombudsman's [2017 investigation](#) into school expulsions found:

The positive link between education and better results in a person's life is well established. Similarly, a negative correlation exists between disengagement from education and difficulties for young people, including contact with the criminal justice system.⁴

- 4 A recent Victorian study identified that '[s]uspension has an intuitive appeal for the maintenance of school discipline by providing prompt relief to teachers, school leadership, and students engaged in academic learning'.⁵ The author concluded, however, that

[t]he current practice of school suspension may not be recognising that a minority of students lack the social and emotional skills to consistently regulate their behaviour to the level expected in the classroom. These students who have the most to gain from being

¹ Children's Defense Fund, *Children Out of School in America: A Report* (Washington Research Project, 1974), cited in Commissioner for Children (Tas), [Student Suspensions: A Research Review](#) (November 2013) 4.

² Office of the Advocate for Children and Young People (ACYP), [What Children and Young People in Juvenile Justice Centres Have to Say](#) (Report, 2019) 6.

³ *Ibid*, 14.

⁴ Victorian Ombudsman, [Investigation into Victorian Government School Expulsions](#) (Report, August 2017) 78 [349].

⁵ Daniel Quin, 'Levels of Problem Behaviours and Risk and Protective Factors in Suspended and Non-Suspended Students' (2019) *The Educational and Developmental Psychologist* 36(1) 7.

engaged in school are being exposed to known risk factors for antisocial behaviour and academic failure via the application of suspension.⁶

- 5 Research reveals that incomplete schooling, including premature school leaving (year 9 or below), and interrupted attendance has potential negative impacts.⁷ Interrupting a student's schooling can lead to lowered educational and employment outcomes.⁸ 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.⁹ Young people reported to the [ACYP](#) that 'the cycle of back-to-back suspensions often repeats until a student is expelled or drops out.'¹⁰
- 6 Absence of supervision can also be a catalyst for an increase in antisocial behaviour¹¹ and offending¹² due to increased contact with antisocial peers¹³ and the vulnerability of young people to contact with police while unsupervised in public spaces.¹⁴
- 7 Diminished educational outcomes are a predictor for future contact with the criminal justice system,¹⁵ and low educational engagement (both a symptom and a cause of suspension) has been studied as resulting in poor health and wellbeing outcomes.¹⁶ Suspension may indicate the student is facing other underlying issues.¹⁷

Suspension may be indicative of other underlying issues

- 8 As stated by [Youth Affairs Council Victoria](#):

[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

⁶ Ibid.

⁷ 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) ('*Inquiry into Behaviour Management in Schools*') xi; [Advocate for Children and Young People](#) (n 2) 22.

⁸ [Youth Affairs Council Victoria](#) (n 7) 4; Department of Education (NT), [Every Day Counts: Northern Territory Government School Attendance and Engagement Strategy 2016–2018](#).

⁹ [Youth Affairs Council Victoria](#) (n 7) 7; NSW Ombudsman, [Inquiry into Behaviour Management in Schools](#) 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.

¹⁰ [Advocate for Children and Young People](#) (n 2) 23.

¹¹ Daniel Quin (n 5) 1; [Youth Affairs Council Victoria](#) (n 7) 7.

¹² Tony Beaton et al, [Larrikin Youth: New Evidence on Crime and Schooling](#) (Centre for Economic Performance Discussion Paper No 1456, November 2016).

¹³ Sheryl A Hemphill, David J Broderick and Jessica A Heerde (n 9) 9.

¹⁴ Rob White, 'Young People, Community Space and Social Control' (Conference Paper, National Conference on Juvenile Justice, 22–24 September 1992); [Advocate for Children and Young People](#) (n 2) 23.

¹⁵ 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.

¹⁶ Australian Institute of Health and Welfare, [Young Australians: Their Health and Wellbeing](#) (2011) 124.

¹⁷ [Youth Affairs Council Victoria](#) (n 7) 7; 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) ('*Addressing Aboriginal Disadvantage*'); NSW Ombudsman, [Inquiry into Behaviour Management in Schools](#) xi; Daniel Quin (n 5) 1.

excluded from school increases the risk that these young people will become even more vulnerable and marginalised.¹⁸

- 9 In 2017, the NSW Ombudsman's [Inquiry into Behaviour Management in Schools](#) noted that many students subject to behaviour management processes (including suspension and/or expulsion) had complex needs associated with a range of factors, such as disability; mental health concerns; exposure to abuse, neglect or other trauma; and difficult personal or family circumstances (including socio-economic factors, drug/alcohol abuse, and family breakdown).¹⁹ The Ombudsman provided data to support these indicators of disadvantage.²⁰
- 10 The NSW Ombudsman's [2011 review](#) of the circumstances of 48 'at risk' primary school aged Aboriginal children from two high-need communities in Western NSW identified that 'children's failure to regularly attend school is also often an indicator of broader abuse and neglect.'²¹ The Ombudsman has noted that a significant number of the children in its 2011 study 'who had failed to attend school for more than 50 days in a year had substantial child protection histories of abuse and neglect and were living in homes where reports of family violence were prevalent.'²²
- 11 A number of studies show higher rates of suspensions for students from economically disadvantaged backgrounds.²³
- 12 In 2013, the [Tasmanian Commissioner for Children](#) cited a large-scale study covering 30 communities across three Australian states with surveys of primary and high schools with nearly 10,000 respondents, Hemphill et al have demonstrated a clear association between students living in lower SES level communities and high suspension rates. This association was independent of gender, age, antisocial behaviour, family owning or buying their own home, academic failure and interaction with antisocial peers.²⁴
- 13 Suspensions are also experienced at a higher rate by students with cognitive or learning impairments, particularly where there are associated behavioural issues.²⁵ The [Tasmanian Commissioner for Children](#), citing Eileen Baldry, noted:

The consequences of the needs of these [cognitively impaired] students not being identified and addressed earlier by agencies of care and support leads to them being funnelled into agencies of control, i.e., police, juvenile justice, courts, corrections agencies.²⁶ In other

¹⁸ [Youth Affairs Council Victoria](#) (n 7) 7.

¹⁹ NSW Ombudsman, [Inquiry into Behaviour Management in Schools](#) 4.

²⁰ Ibid 50.

²¹ NSW Ombudsman, [Addressing Aboriginal Disadvantage](#) 35.

²² NSW Ombudsman, [Inquiry into Behaviour Management in Schools](#) 50.

²³ Rob White and Chris Cunneen 'Social Class, Youth Crime and Youth Justice' in Barry Goldson and John Muncie (eds), *Youth Crime and Justice* (Sage Publications, 2006) 26; Don Weatherburn and Bronwyn Lind 'Poverty, Parenting, Peers and Crime-prone Neighbourhoods' (Trends & Issues in Crime and Criminal Justice No 85, April 1998); Sheryl A Hemphill et al, 'Are Rates of School Suspension Higher in Socially Disadvantaged Neighbourhoods? An Australian Study' (2010) 21 *Health Promotion Journal of Australia* 12, 16.

²⁴ Commissioner for Children (Tas), [Student Suspensions: A Research Review](#) (November 2013) 17, [citing](#) Sheryl A Hemphill et al, 'Are Rates of School Suspension Higher in Socially Disadvantaged Neighbourhoods? An Australian Study' (2010) 21 *Health Promotion Journal of Australia* 12, 16. The NSW Ombudsman also found that 'disengagement from school and poor educational outcomes are linked with other indicators of social and economic disadvantage: NSW Ombudsman, [Inquiry into Behaviour Management in Schools](#) xi.

²⁵ Commissioner for Children (Tas), [Student Suspensions: A Research Review](#) (November 2013) 22. See also Bar Book chapter *Hearing Impairment* at <http://publicdefenders.nsw.gov.au/barbook/>.

²⁶ Eileen Baldry, '[Disabling Justice](#)' (2013) 8 *Insight* 27.

words, the care and support agencies/systems, including the education system, simply fail to identify and address their needs.²⁷

- 14 The NSW Ombudsman's 2017 [Inquiry into Behaviour Management in Schools](#) observed that

key points in the suspension process – including consideration as to whether to suspend a student, and the suspension resolution meeting – do not appear to adequately trigger actions to examine the underlying cause of the student's behaviour; to review what has been done to date; and to identify and implement further actions.²⁸

Potential Impacts

Poor long-term health and wellbeing outcomes

- 15 Education is recognised by the [Australian Institute of Health and Welfare](#) as playing a critical role in a child's health and wellbeing, with 'low levels of education associated with a range of adverse psychological and health outcomes.'²⁹
- 16 The [Victorian Department of Education and Training](#) similarly identifies that a 'quality education has lifelong positive effects on individual prosperity, health and wellbeing'.³⁰
- 17 Researchers from the University of Tasmania conducted [a longitudinal study](#) of data from 5,665 children surveyed in 1985, and from 3,374 adults with comparative data from a cohort surveyed 20 years later. The study found that greater school engagement was associated with better childhood self-rated health and lower odds of smoking and consuming alcohol.³¹ A significant association was also found between school engagement and self-rated health in adulthood.³²

²⁷ Commissioner for Children (Tas), [Student Suspensions: A Research Review](#) (November 2013) 22.

²⁸ NSW Ombudsman, [Inquiry into Behaviour Management in Schools](#) 42.

²⁹ Australian Institute of Health and Welfare, [Young Australians: Their Health and Wellbeing](#) (2011) 125.

³⁰ Department of Education and Training (Vic) [The State of Victoria's Children Report 2015: Tipping the Scales for Children's Positive Development](#) (December 2016) 26.

³¹ Joan Abbott-Chapman et al, [The Association between Childhood School Engagement and Attainment and Adult Education and Health Outcomes: Preliminary Findings from an Interdisciplinary Research Project Using Longitudinal Australian Cohort Data](#) (Conference Paper, Australian Association for Research in Education Annual Conference, 2011) 24.

³² Ibid 22. The study found that the 'association between stronger school engagement and greater avoidance of health risk behaviours such as smoking cigarettes and drinking alcohol was only marginally attenuated by socio-economic status and school attainment': 24.

Educational outcomes and employment

- 18 The [Australian Law Reform Commission](#) has stated that the ‘links between lack of employment opportunity, lack of educational attainment, and subsequent entry into the criminal justice system are well established.’³³
- 19 The [Youth Affairs Council Victoria](#) recognises that
- [h]igh quality education is fundamental to the development of a young person’s talents, skills, social connections, identity, dignity and wellbeing. It provides a pathway into employment and financial stability, to enable a young person to overcome disadvantage, contribute to their communities and make their aspirations a reality.³⁴
- 20 As similarly noted by the 2004 [Review of Aboriginal Education in New South Wales](#), ‘higher levels of education make a person less likely to be involved in risk-taking behaviours such as crime (partially by increasing income and reducing the incentive to commit crime).’³⁵
- 21 Regular school attendance is recognised by the [Australian Institute of Health and Welfare](#) as an ‘important factor in educational and life success,’³⁶ and helps children ‘develop the basic building blocks for learning, educational attainment and social skills.’³⁷ In 2011, the House of Representatives [Standing Committee on Aboriginal and Torres Strait Islander Affairs](#) found that ‘children who have access to a good quality education and who are supported and directed by their parents to attend school are likely to develop the necessary knowledge, skills and social norms for a productive and rewarding adult life.’³⁸
- 22 A study by the [Northern Territory Department of Education](#) demonstrated the correlation between school attendance and school achievement: where Indigenous students attended school over four days per week, over 60 per cent of these students achieved or exceeded minimum standard across NAPLAN testing.³⁹
- 23 In relation to participation in further education, the Australian Institute of Health and Welfare states that:
- Qualifications are an important indicator of an individual’s capacity to compete in demanding labour markets. While tertiary qualifications are often used as a proxy for income and employment prospects, obtaining a qualification at any level is likely to improve young people’s employment opportunities.⁴⁰

³³ 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, citing 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. US literature refers to this as the ‘school-to-prison pipeline’: see Johanna Wald and Daniel J Losen, ‘Defining and Redirecting a School-to-Prison Pipeline’ (2003) 99 *New Directions for Youth Development* 9.

³⁴ [Youth Affairs Council Victoria](#) (n 7) 4.

³⁵ NSW Aboriginal Education Consultative Group and Department of Education and Training (NSW), [The Report of the Review of Aboriginal Education](#) (Report, August 2004) 121.

³⁶ Australian Institute of Health and Welfare, [Young Australians: Their Health and Wellbeing](#) (2011) 125.

³⁷ *Ibid.*

³⁸ House Standing Committee on Aboriginal and Torres Strait Islander Affairs, Parliament of Australia, [Doing Time – Time for Doing: Indigenous Youth in the Criminal Justice System](#) (Report, June 2011) 17 [2.38].

³⁹ Department of Education (NT), [Every Day Counts: Northern Territory Government School Attendance and Engagement Strategy 2016–2018](#) 11.

⁴⁰ Australian Institute of Health and Welfare, *Young Australians: Their Health and Wellbeing 2011* (Report, 2011) 126.

- 24 The same report goes on to state that '[s]ecure and satisfactory employment offers young people not only financial independence but also a sense of control, self-confidence and social contact.'⁴¹ This was confirmed by juvenile interviewees in the 2019 report of the [ACYP](#).⁴²

Reinforcement of negative behaviours

- 25 The evidence for the use of suspension is described as 'mixed' by the [ACT Expert Panel on Children with Complex Needs and Challenging Behaviour](#).⁴³
- 26 The [Youth Affairs Council Victoria](#) suggests that positive outcomes from suspension are 'usually contingent upon the student having reasonably good mental health, no major trauma, a safe and supportive home environment, adequate access to in-school supports, and few outside factors impacting negatively on their education.'⁴⁴
- 27 In a recent Queensland study, Linda Graham considers international research and concludes that schools continue to use suspension against disadvantaged students for whom suspension has previously proven ineffective.⁴⁵ Graham concludes that 'the bulk of the research evidence indicates that suspension does not help to address the reasons for student disengagement and may in fact accelerate vulnerable students' disconnection from school'.⁴⁶
- 28 The [Civil Rights Project \(US\)](#) recognises the importance of positive role models, stating:
- Ultimately, to succeed, at-risk youth need to develop strong bonds with caring and compassionate adults whom they can trust. They require individualised discipline that takes into account their unique circumstances. As a consequence, their chances for developing essential resiliency skills and positive attitudes about adult authority, justice, and fairness are greatly enhanced.⁴⁷
- 29 Similarly, juvenile detainees interviewed by the [ACYP](#) in 2019 said they wanted 'connection to trusted adults in the community such as mentoring by community members, Elders, and other respected people with similar lived experiences to themselves'.⁴⁸
- 30 A series of cross-national studies by Hemphill et al indicate that the use of suspensions can in fact cause further behavioural and emotional problems, particularly for students with complex needs.⁴⁹ One of these studies found that students who were suspended were more

⁴¹ Ibid 132.

⁴² [Advocate for Children and Young People](#) (n 2) 7.

⁴³ Expert Panel on Students with Complex Needs and Challenging Behaviour (ACT), [Schools for All Young People](#) (Final Report, November 2015) 167.

⁴⁴ [Youth Affairs Council Victoria](#) (n 7) 20.

⁴⁵ Linda J Graham, 'Questioning the Impacts of Legislative Change on the Use of Exclusionary Discipline in the Context of Broader System Reforms: a Queensland Case-study' (2018) *International Journal of Inclusive Education* (advance) 3.

⁴⁶ Ibid.

⁴⁷ The Civil Rights Project, 'Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline' (Conference Paper, National Summit on Zero Tolerance June 15–16, 2000) 12.

⁴⁸ [Advocate for Children and Young People](#) (n 2) 5.

⁴⁹ Sheryl A Hemphill, David J Broderick and Jessica A Heerde, (n 9); Sheryl A Hemphill et al, 'The Effect of School Suspensions and Arrests on Subsequent Adolescent Antisocial Behaviour in Australia and the United States' (2006) 39 *Journal of Adolescent Health* 736; Sheryl A Hemphill et al, 'Rates of Student-Reported Antisocial Behaviour, School Suspensions, and Arrests in Victoria, Australia, and Washington State, United States' (2007) 77 *Journal of School Health* 303; Hemphill et al, 'Student and School Factors Associated with School Suspension: A Multilevel Analysis of Students in Victoria, Australia and Washington State, United States' (2014) 36 *Children and Youth Services Review* 187.

likely to subsequently engage in antisocial behaviour, even when other relevant risk factors were accounted for.⁵⁰

- 31 The [ACT Expert Panel on Children with Complex Needs and Challenging Behaviour](#) found that ‘students who feel a sense of belonging at school may experience suspension as a negative consequence, and it may assist them to think and act differently.’⁵¹ The Panel submitted that some students with cognitive disability, Autism Spectrum Disorder or trauma background have

limited capacity to understand and change their behaviour after being admonished. Suspension may cause them confusion, or further undermine their capacity for developing positive relationships. For students experiencing anxiety about school, suspension may reinforce negative behaviour by teaching them that violent or disobedient behaviour allows them to avoid the demands of the school environment.⁵²

- 32 The NSW Ombudsman’s 2017 [Inquiry into Behaviour Management in Schools](#) also identified that

any method of suspension that involves a young person being excluded from their usual place of education can backfire because not having to attend school can be regarded by young people as a ‘bonus’ – leading to further poor behaviour aimed at incurring additional suspensions.⁵³

- 33 Hemphill et al posit that suspended students may develop an ‘outsider’ mentality, ‘internalising their identity as a disruptive or ‘bad’ student, and become alienated or detached from the school community’.⁵⁴ Other Australian research found that on the day/s of suspension suspended students lacked adult supervision and rarely completed schoolwork. Upon their return to school, suspended students reported that their teachers were less supportive and that suspension hadn’t addressed underlying issues.⁵⁵

- 34 Daniel Quin’s 2019 study of risk and protective factors in suspended and non-suspended students concluded that

the demonstrated association between suspension and problem behaviours and negative emotions ... gives rise to two potential explanations. First, that students with pre-existing problem behaviours commensurate with emotional and behavioural disorders are more likely to be suspended. Second, that suspension increases the likelihood of problem behaviours and emotional problems.⁵⁶

⁵⁰ Sheryl A Hemphill et al, ‘[The Effect of School Suspensions and Arrests on Subsequent Adolescent Antisocial Behaviour in Australia and the United States](#)’ (2006) 39 *Journal of Adolescent Health* 736, 741.

⁵¹ Expert Panel on Students with Complex Needs and Challenging Behaviour (ACT), [Schools for All Young People](#) (Final Report, November 2015) 167.

⁵² Ibid.

⁵³ NSW Ombudsman, [Inquiry into Behaviour Management in Schools](#) 51.

⁵⁴ Sheryl A Hemphill, David J Broderick and Jessica A Heerde, (n 9) 9. See also Daniel Quin and Sheryl A Hemphill, ‘Students’ Experiences of School Suspension’ (2014) 25 *Health Promotion Journal of Australia* 52.

⁵⁵ Daniel Quin and Sheryl A Hemphill, ‘Students’ Experiences of School Suspension’ (2014) 25 *Health Promotion Journal of Australia* 52.

⁵⁶ Daniel Quin, (n 5) 6.

Greater risk of negative behaviour and contact with the criminal justice system

- 35 In *Arresting Incarceration – Pathways out of Indigenous Imprisonment*, Don Weatherburn surveyed research that indicated school performance was a stronger indicator of ‘delinquent behaviour’ than other factors such as physical abuse and neglect.⁵⁷ Zingraff et al found that neglected and physically abused children were much more likely to commit delinquent acts than their general school counterparts. This difference was attenuated and, in the case of physical abuse, disappeared altogether when they controlled for school performance. In other words, students who were physically abused but who did well at school were no more likely to become involved in crime than children who were not known to have suffered any maltreatment.⁵⁸
- 36 Weatherburn points to similar results obtained in Australia by Joanne Baker, who found: The odds of self-reported involvement in assault and property crime were 1.4 and 1.5 times higher (respectively) for juveniles who reported a below average school performance than for juveniles who reported average or above average performance.⁵⁹
- 37 *Doing Time – Time for Doing*, the 2011 report of the House of Representatives inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system, identifies educational attainment as an indicator for future contact with the criminal justice system: ‘The difference in educational attainment between Indigenous and non-Indigenous Australians is a powerful determinant of the overrepresentation of Indigenous youth in the justice system.’⁶⁰
- 38 Being suspended ‘often means a student spends more time away from adult supervision, bored and disengaged from positive school influences.’⁶¹ Exclusion from school ‘also increases a student’s likelihood of becoming involved in antisocial behaviour.’⁶² Daniel Quin cites Australian and international research indicating that a ‘strong association is consistently found between low school engagement and antisocial behaviour, academic failure, and reduced mental health.’⁶³

⁵⁷ Don Weatherburn, *Arresting Incarceration – Pathways out of Indigenous Imprisonment* (Aboriginal Studies Press, 2014) 77.

⁵⁸ Ibid, citing Zingraff et al, ‘The Mediating Effect of Good School Performance on the Maltreatment–Delinquency Relationship’ (1994) 31 *Journal of Research in Crime and Delinquency* 62.

⁵⁹ Don Weatherburn, *Arresting Incarceration—Pathways out of Indigenous Imprisonment* (Aboriginal Studies Press, 2014) 77, citing Joanne Baker, *Juveniles in Crime – Part 1: Participation Rates and Risk Factors* (NSW Bureau of Crime Statistics and Research, 1998).

⁶⁰ *Doing Time – Time for Doing: Indigenous Youth in the Criminal Justice System* 17 [2.39].

⁶¹ [Youth Affairs Council Victoria](#) (n 7) 21. See also Daniel Quin and Sheryl A Hemphill, ‘Students’ Experiences of School Suspension’ (2014) 25 *Health Promotion Journal of Australia* 52, 52; Sheryl A Hemphill et al, ‘Are Rates of School Suspension Higher in Socially Disadvantaged Neighbourhoods? An Australian Study’ (2010) 21 *Health Promotion Journal of Australia* 12; Sheryl A Hemphill and John Hargreaves, ‘Suspension: Quick Fix or Lasting Harm?’ (December 2009) *Teacher: The National Education Magazine* 52.

⁶² [Youth Affairs Council Victoria](#) (n 7) 6–7.

⁶³ Daniel Quin, (n 5) 1, citing Sheryl A Hemphill et al, ‘[The Effect of School Suspensions and Arrests on Subsequent Adolescent Antisocial Behaviour in Australia and the United States](#)’ (2006) 39 *Journal of Adolescent Health* 736; Christina D Kang-Yi et al ‘[Impact of School-Based and Out-of-School Mental Health Services on Reducing School Absence and School Suspension among Children with Psychiatric Disorders](#)’ (2018) 67 *Evaluation and Program Planning* 105; Marisa Hendron and Christopher A Kearney, ‘[School Climate and Student Absenteeism and Internalizing and Externalizing Behavioral Problems](#)’ (2016) 38 *Children & Schools* 109.

- 39 Research by [Beaton et al](#) in 2016 uncovered a ‘sizeable causal impact of education on youth crime.’⁶⁴ The study found that raising the school age in Queensland from 15 to 17 in 2006 led to a reduction in crime rates among young people. The law change ‘forces youth to be in a supervised environment rather than roaming the streets, so there is an incapacitation effect that reduces crime.’⁶⁵ The effects of this change are ‘sizeable, and emerge for participation in all offending behaviour, and also within the distinct domains of violent, property and drug crime.’⁶⁶
- 40 Hemphill et al concluded in their 2017 study that the lack of supervision entailed in suspension affords young people greater opportunity to associate with antisocial peers, which is a documented risk factor for engaging in antisocial behaviours.⁶⁷ After controlling for a variety of established risk and protective factors, Hemphill et al found that school suspension was associated with a 1.5 times greater risk of antisocial behaviour.⁶⁸ Young people interviewed by the [ACYP](#) confirmed that ‘when they and their peers are not engaged in meaningful activities they were more likely to commit crime.’⁶⁹
- 41 Various bodies, including the Victorian Ombudsman,⁷⁰ the Department of Education Western Australia,⁷¹ the NSW Department of Education and Training⁷² and the Law Council of Australia⁷³ have identified that poor school attendance and low educational outcomes are factors that increase the risk of contact with the criminal justice system later in life. This is evidenced by the high proportion of youth in detention who have been suspended:
- 93.8 per cent of participants in the 2015 NSW Young People in Custody Health Survey had been suspended from school on at least one occasion.⁷⁴
 - 78.1 per cent of NSW participants had been suspended three or more times.⁷⁵
 - 53.0% of young people reported their highest level of educational attainment as Year 9 or below.⁷⁶
 - The median age of leaving school for NSW participants was 15 years.⁷⁷

⁶⁴ Tony Beaton et al, [Larrikin Youth: New Evidence on Crime and Schooling](#) (Centre for Economic Performance Discussion Paper No 1456, November 2016) 4.

⁶⁵ Ibid 6.

⁶⁶ Ibid 18.

⁶⁷ 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.

⁶⁸ Ibid 5.

⁶⁹ [Advocate for Children and Young People](#) (n 2) 6.

⁷⁰ Victorian Ombudsman, [Investigation into Victorian Government School Expulsions](#) (Report, August 2017) 7.

⁷¹ [Evidence to House Standing Committee on Aboriginal and Torres Strait Islander Affairs](#), Parliament of Australia, Sydney, 28 January 2011, 77 (Robert Somerville, Department of Education Western Australia), cited in [Doing Time – Time for Doing: Indigenous Youth in the Criminal Justice System](#) 121 [5.2]. See also NSW Ombudsman, [Inquiry into Behaviour Management in Schools](#) for further evidence of the recognition by community leaders that disengagement from school impacts negatively on educational achievement and future employment (and related) prospects: 50.

⁷² [Doing Time – Time for Doing: Indigenous Youth in the Criminal Justice System](#) 18 [2.43].

⁷³ Law Council of Australia, [Submission No 97](#) to Senate Legal and Constitutional Affairs References Committee, [Inquiry into the Value of a Justice Reinvestment Approach to Criminal Justice in Australia](#) (22 March 2013) 15.

⁷⁴ Justice Health & Forensic Mental Health Network and Juvenile Justice NSW, [2015 Young People in Custody Health Survey: Full Report](#) (November 2017) 15.

⁷⁵ Ibid. In New South Wales, there were no differences found in the prevalence of frequency of suspension according to gender or Aboriginality.

⁷⁶ Ibid 14. In contrast, across the entire population of people aged 15-74 years living in NSW, only 8.6% reported that their highest level of educational attainment was Year 9 or below.

- 65 per cent of 1,094 young people surveyed in custody in Victoria had previously been expelled or suspended.⁷⁸
- 42 The increased likelihood of contact with the criminal justice system according to school engagement is disproportionately experienced by certain groups. The highest proportion of children receiving short and long suspensions is found in regional and remote areas.⁷⁹ Data also show that Aboriginal and Torres Strait Islander students are significantly overrepresented in suspensions from school. In 2017, while Aboriginal students comprised 7 per cent of full-time enrolments in NSW public schools, they comprised 24 per cent of short suspensions, and 28 per cent of long suspensions.⁸⁰
- 43 The [Australian Law Reform Commission](#) has identified that ‘contact with the child protection system and the youth justice system are both risk factors for adult incarceration.’⁸¹

⁷⁷ Ibid. The median age at which young females left school was significantly earlier than that of young males (14 years vs. 15 years): 14.

⁷⁸ Youth Parole Board (Vic), *Youth Parole Board Annual Report 2017–18* (September 2018) 15.

⁷⁹ NSW Ombudsman, *Inquiry into Behaviour Management in Schools* 40; Northern Territory Government, ‘[A Share in the Future: Indigenous Education Strategy 2015–2024](#)’; Advocate for Children and Young People (n 2) 24.

⁸⁰ Public Schools, Department of Education (NSW), *Suspensions and Expulsions 2017* (Report, 2017) A1.

⁸¹ 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) 73.