



ACT
Government

Education and Training

File Refs: 2013/18562
2013/19590



Dear 

I refer to your requests, received by the Education and Training Directorate on 6 September 2013 and 13 September 2013, under the ACT *Freedom of Information Act 1989* (the Act).

Your requests

I understand you are seeking access to:

Information showing the numbers of students suspended, transferred or excluded from ACT Public Schools from 2011 to 2013, inclusive. As well as a brief summary of the reasons. And details of the duration of any suspensions.

and

Data on contraband found at ACT schools in 2012 and 2013 calendar years. This would include, but not be limited to, items such as weapons (makeshift or otherwise), illicit drugs, alcohol or similar. Also seeking the response taken to each incident.

As some information relevant to your request regarding contraband found at ACT schools is contained in the documents relevant to the request for information about student suspensions, the Directorate has combined your requests for the purpose of providing a response.

I understand you have been contacted by the Directorate regarding the delay in responding to your requests. Thank you for agreeing to an extension of time.

Documents located

Please note the object of the Act is to create a general right of access to information in documentary form in the possession of agencies. The Act does not generally require an agency to make available information which is not in documentary form,

nor to collect information to create a new document. The obligation under the Act is only to provide access to existing documents.

A number of documents have been located that contain information relevant to some aspects of your requests. However, no documents exist in relation to other aspects. In relation to the following:

1. Information showing the numbers of students suspended in ACT public schools from 2011 to 2013 inclusive, as well as a brief summary of the reasons and details of the duration of any suspensions.

Information showing the number of students suspended for 2011 and 2012 is contained in Document 5. This document also shows the number of the number of suspension incidents for 2011 and 2012. Information regarding the number of students suspended for 2013 is not yet available.

Documents 1 to 4 show the number of suspension incidents in ACT public schools for 2011 and 2012, and for Terms 1 and 2 of 2013. These documents also contain information about the duration of and reasons for each suspension incident.

You will note there is a significant difference between the number of suspension incidents listed in Document 1 for 2011 and the number stated in Document 5. The reason for the difference is that not all schools had started electronic recording of suspension incidents in 2011. You will also note that although it may appear there are 1401 suspension incidents recorded in Document 1, the numbers are not sequential and the correct number of incidents is 1367.

2. Information showing the numbers of students transferred from ACT public schools from 2011 to 2013 inclusive, as well as a brief summary of the reasons.

Your request for information showing the numbers of students transferred from ACT public schools has been taken to be a request for the number of students transferred in accordance with the *Suspension, Exclusion or Transfer of Students in ACT Public Schools* policy.

Students transfer between schools for a variety of reasons and the Directorate does hold information about students who transfer between both public and non-government schools in the ACT. However, it is not possible to extract the numbers of students transferred from ACT public schools in 2011 to 2013 in accordance with the *Suspension, Exclusion or Transfer of Students in ACT Public Schools* policy, or the reasons for the transfers, from this information.

3. Information showing the numbers of students excluded from ACT public schools from 2011 to 2013.

Information relevant to this aspect of your request for 2011 and 2012 is contained in Document 5. Information for 2013 is not yet available.

4. Data on contraband in found in ACT schools in 2012 and 2013

The Directorate does not hold any information relevant to this aspect of your request relating to non-government schools.

In relation to contraband found in ACT public schools, documents relevant to your request for information about student suspensions from 2011 to 2013 also contain information about suspension incidents where alcohol and drugs were involved. Data relating to items such as weapons is not included in these documents.

5. Documents relating to the response to each incident involving contraband found at ACT public schools

The response taken to each incident where contraband was found at an ACT public school may include a student suspension, as indicated in some entries in Documents 1 to 4.

I understand the Directorate recently provided you with a response to your FOI request for critical incident summary reports between 1 January 2011 and 1 July 2013. You will note the documents provided contain some information relevant to this aspect of your request.

To locate any other information relating to the response to each incident would involve approaching each school to request relevant documents and then processing and reviewing any documents located, most of which would contain personal information that generally cannot be released under the Act. This task would require substantial resources to undertake and it may constitute an unreasonable diversion of agency resources.

Decisions relating to the release of documents located

I am authorised under section 22 of the Act to make a decision in respect of your request.

A schedule setting out the documents located and my decisions in relation to their release is at Attachment A, and the released documents are at Attachment B.

You will note from the schedule I have decided to partially release some documents with deletions under section 41 of the Act. Information in the documents which is outside the scope of your request has also been deleted.

Details of these exemption provisions, together with my reasons for applying them, are set out below.

Section 41 – Documents affecting personal privacy

Section 41(1) states:

A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).

Section 41 has been applied to entries in Documents 1 to 4 where the duration of a suspension is more than six days. The numbers of suspension incidents in each document for periods of six days or more is, in most cases, very small and although students are not identified by name, the duration of the suspension, together with other information already publicly available, may reasonably be expected to lead to the identification of the persons concerned.

Information outside the scope of the requests

Information about the day and month in the date of the suspensions has been redacted in Documents 1 to 4 because this information is outside the scope of your request.

Information in Document 5 about a pilot support program has also been deleted because it is outside the scope of the request.

Your rights of review

My decision not to grant you access in full to these documents is subject to review under section 59 of the FOI Act. You may also seek a review if, in your opinion, you do not believe that all documents relevant to your request have been located. An information sheet outlining the review and appeal process provided for in the Act is attached to this letter.

Online publication

Please be aware that under the ACT Government's *Online FOI Publication* policy, information released to you in response to your request may be released on the internet. The policy, with details about what information may be published on the internet, is available at:
http://www.cmd.act.gov.au/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf

Yours sincerely



/ Michael Bateman
Director
School Performance
2 December 2013

Freedom of Information Act 1989

Review and Appeal Processes

Internal review

You may request a review of a decision made under the *Freedom of Information Act 1989* (ACT). Requests for review must be made in writing to the Education and Training Directorate. Requests can be sent by fax (02 6205 9453) or by mail to:

The Director-General
C/- Information, Communications and Governance Branch
ACT Education and Training Directorate
PO Box 158
CANBERRA CITY ACT 2601

You have **28 days** from the date you were notified of the decision to request a review. This period may be extended by the Director-General.

ACT Civil and Administrative Tribunal

If you are not satisfied after the Directorate has conducted an internal review, you may seek an independent review of the decision by the ACT Civil and Administrative Tribunal. The Tribunal is an independent body which can affirm, change or reject the decision made by the Directorate and either substitute its own decision or send the matter back to the Directorate for reconsideration in accordance with the Tribunal's recommendations.

The Tribunal can be contacted by fax (02 6205 4855), email (tribunal@act.gov.au) or by mail to:

ACT Civil and Administrative Tribunal
DX5691
GPO Box 370
CANBERRA CITY ACT 2601

An appeal must be filed in the Tribunal within 28 days after the internal review decision is made although you may seek an extension of time in certain circumstances.

An application for a review may be made by writing to the Tribunal, or by completing the *Application for Review of a Decision* form (available on the Tribunal's website at www.acat.act.gov.au). There is a fee for lodging an appeal with the Tribunal. This fee may be remitted under certain circumstances.

ACT Ombudsman

You also have the right to complain to the ACT Ombudsman about the processing of your request. If you wish to lodge a complaint you should write to:

ACT Ombudsman
GPO Box 442
CANBERRA CITY ACT 2601

The ACT Ombudsman cannot override a decision made by the Directorate.