

APPLICABLE TO	All Diocesan system schools		
DOCUMENT OWNER	Director of Schools		
SCHOOL ACTIONS	System Procedure: Each school may adopt these procedures or develop their school procedures consistent with and aligned to the principles outlined in this document.		
APPROVAL DATE	30 August 2019		
APPROVED BY	Approval Authority: CSO Leadership Team		
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RELATED DOCUMENTS	Suspension, Expulsion and Exclusion Toolkit Serious Incident Management Plan Wellbeing and Pastoral Care Policy (2017) currently under review		

Purpose

These procedures set out the expectations and recommended procedures regarding student suspension, expulsion or exclusion for Catholic schools in the Maitland-Newcastle Diocese, and are to be read within the context of the Wellbeing and Pastoral Care Policy (2017) currently under review.

Background

In a Catholic school environment, students are guided and encouraged to develop a sense of responsibility, self-control and self-discipline, and to regulate their conduct in accordance with Christian principles. Through this development, students come to:

- respect the welfare and needs of themselves and others
- be aware that their actions influence the creation and maintenance of the Catholic environment of which they are part
- enhance the development of positive self-images
- gain a sense of belonging within the school and wider community
- develop an understanding of the consequences of their behaviour, and
- develop an awareness of processes, which assist in resolving problems as they arise.

Despite the focus on these positive outcomes, the continued behaviour of a minority of students may require Principals to consider their suspension or expulsion and on the decision of the Director of Schools, their exclusion from the system of Catholic schools in the Diocese.

Scope

These procedures apply to the behaviour of students at school, on the way to and from school and while away from the school site on school-endorsed activities. They can also apply outside of school hours and off school premises where there is a clear and close connection between the school and the conduct of students. These include the use by a student of social networking sites, mobile phones and/or other technology to threaten, bully or harass another student or a staff member

Where a number of policies may apply to the circumstances or behaviour being considered in the context of a suspension expulsion or exclusion, the Suspension, Expulsion or Exclusion Procedures take precedence.

Definitions

Exclusion: If a Principal believes the student's behaviour is serious enough to form the basis of grounds for exclusion from another school or other schools, following discussion with their Assistant Director, they can recommend to the Director of Schools that the student be excluded from certain schools. The Principal suspends the student pending a decision to expel from their own school and then recommends the student's exclusion from certain schools to the Director of Schools.

Expulsion: The permanent removal of a student from one particular school. It involves a termination of the contract entered into at the time of enrolment by the parent(s)/carer(s).

In-school suspension means that a student remains on school grounds under supervision but does not attend class or playground. It is recommended that school processes for the withdrawal of the student from some aspect(s) of the school program are structured positively to assist in the student's return to acceptable behaviours. An example is the provision of time, in an appropriate and supervised setting, for the student to reflect upon their behaviours and attitudes, the impact of these on themselves and others, reasons for preferring acceptable behaviours, and ways to find encouragement and assistance to achieve this goal.

Out of school suspension is designed to allow a period of time when the school, parent(s)/carer(s) and the student involved can work together on the resolution of the problem that has led to the student's suspension. Therefore, the student's right to attend school has been withdrawn for a defined period of time. Responsibility for the student's safety and welfare during this time is transferred to the parent or carer. The student is not to be on the school premises during this period.

Parent/carer means any person or persons having parental responsibility for a child.

Principal: For the purposes of this policy 'Principal' means the Principal and, by delegation, a Head of Campus and/or Assistant Principal. No other staff member has the authority to make suspension, expulsion or exclusion decisions.

Prohibited weapon: Weapons that are listed on Schedule 1 of the *Weapons Prohibition Act (1998)*. (See Suspension, Expulsion and Exclusion Toolkit – Appendix 11.)

Support person for the child/young person: In any formal disciplinary meeting which may lead to any form of suspension or expulsion, the student responding to the allegation has the right to have a support person present at the meeting. The offer of a support person should be made prior to the meeting commencing. The support person is to be approved by the school and can be a teacher, year advisor, member of the school executive or the student's parents/carer/family member. The support person should be a person who is readily available. The support person does not participate in the meeting but is present to observe the progress of the meeting and ensure that the student responding to the allegation/s is able to participate fully in the meeting.

Suspension: is the temporary removal of a student from all of the classes and access to playground/yard that a student would normally attend at a school for a set period of time. A Principal may suspend a student for a period of time where the student's attendance at the school poses an unacceptable risk to the safety or wellbeing of that student, other students or staff of the school.

Roles and Responsibilities

Principals have authority, consistent with the provisions of these procedures and associated documents, to suspend a student from their own school. In addition, Principals have authority to expel or exclude a student from their school and recommend exclusion from the system of Catholic schools in the Maitland-Newcastle Diocese.

Principals are responsible for:

- ensuring that their school develops and implements a whole school approach to wellbeing, engagement and behaviour and communicating behaviour expectations with the school community
- ensuring alternative options have been explored, prior to considering suspension and/or expulsion
- seeking the assistance and working with parents/carers in an attempt to resolve behaviour matters
- adhering to the requirements of these procedures when considering suspension, expulsion or exclusion
- liaising with Assistant Directors in regard to longer-term suspension, expulsion and exclusion
- preparing advice to Assistant Directors and relevant Diocese staff where alleged conduct is of a serious nature or could result in police involvement, broader disruption to the community or media interest
- ensuring that appropriate learning tasks/work is provided to the student during any suspension period
- prior to the end of any suspension period, ensuring verbal contact occurs (where the parent fails to establish contact) with the student and parents in a time frame that allows for sufficient planning to occur at a re-entry meeting
- facilitating a re-entry meeting with parents and students, to ensure a smooth transition to school which continues to support positive student behaviour, following a period of suspension
- accurately and efficiently recording suspension and expulsion data.

Assistant Directors are responsible for:

- supporting Principals and school staff to be consistent and fair when managing student behaviour
- discussing and providing advice to Principals, as appropriate, on suspensions and expulsions
- supporting all schools in their region to adopt a whole school approach to wellbeing and behaviour
- analysing and addressing data trends that demonstrate a pattern of behaviour management issues in schools.

Class/Subject Teachers are responsible for:

- providing meaningful tasks for the student to complete during a suspension
- endeavouring to support the student to complete the work by maintaining high expectations and offering encouragement
- being a point of contact if the student has any questions about the work set.

Parents/Carers have a responsibility to:

- read, sign and abide by the Conditions of Enrolment and School Community Code of Conduct
- treat all members of the school community with dignity and respect
- assist Principals and teachers to resolve student behavioural matters
- work collaboratively and calmly with the school to resolve incidents of misbehaviour when they occur

- be responsible for the supervision, care and safety of student while on suspension, ensuring that their child does not attend school during the suspension period.

Step by Step

1. LEGAL ISSUES

Enrolment

When a child is enrolled, the school is entering into a contractual relationship with the enrolling parents/carers of the student.

The right to suspend, expel or exclude is expressed in the enrolment contract, so that the enrolling parents/carers clearly understand that the school has the right to terminate the contract.

While contracts cannot normally be made with minors (i.e. a person under 18 years) there are exceptions, one being if it is for the benefit of a minor. Education is considered to be a benefit. Hence, if an independent student under the age of 18 years enters into an enrolment contract then:

- the enrolment contract between the school and the student is binding; and
- the contract can be terminated by the school if the student is in breach of the contract e.g. by repeatedly breaking school rules.

If the original contract is made with the parents/carers and the student subsequently moves out of the parental home, the contract continues to be binding on the enrolling parents/carers and the school's obligation to the parents/carers endures. In these situations, and as they evolve, contact with the Catholic Schools Office is important.

Duty of Care Obligations

Principals and teachers have a duty of care to take reasonable steps to prevent reasonably foreseeable injury to their students. This duty is a positive duty to take all reasonable steps to reduce the risk of injury. The duty includes:

- provision of suitable and safe school premises and equipment
- provision of an adequate system of supervision
- implementation of strategies to prevent bullying and other behaviours to ensure a safe, secure and supportive environment for all of its students.

The nature and extent of the duty will vary according to the particular circumstances in each case. This duty is an important consideration when determining an appropriate response to unacceptable or inappropriate behaviour that is displayed by students.

The school has a responsibility for the educational wellbeing of the student while on suspension and must put in place appropriate measures to ensure the student's learning needs are catered for during this period.

Health and Safety Obligations

The *Work Health and Safety Act 2011* places the following obligations on school Principals:

- provide and maintain a working environment that is safe and without risk to health for employees
- monitor the health of employees
- monitor the working conditions at the school
- provide an environment where students, parents and visitors to the school are not exposed to risks to their health and safety.

In order to discharge their obligations under this Act, Principals need to ensure that they have adequate safety policies and procedures in place to identify and manage risks.

One way of discharging their obligations is for Principals to identify students whose behaviour may expose school employees, students, parents or visitors to risk, and to effectively use student engagement and disciplinary measures to manage those risks.

Procedural Fairness

The *Education Act 1990* (NSW) requires that policies related to the discipline of students be based on procedural fairness. It is the responsibility of the school to apply these procedures in the event of incidents that may require disciplinary action. The process that leads to the imposition of such penalties, particularly but not exclusively in relation to suspension, expulsion and exclusion, must be procedurally fair.

The principles of procedural fairness are fundamental to the implementation of these procedures. Procedural fairness is generally recognised as having two essential elements. These are:

- the right to be heard, and
- the right of a person to a fair and impartial decision.

Hence, in a school setting:

- the student, against whom allegations have been made, has a right to know the matters alleged against him or her
- the student must be given an opportunity to respond to the allegations
- the student has a right to hear what evidence there is to substantiate the allegations against him or her (if the school intends to rely on that evidence) and to respond to that evidence
- the decision maker must base the decision to suspend or expel, only on the evidence that is relevant to the matters alleged against the student, and not on unrelated and/or extraneous information.

Anti-discrimination Legislation

Anti-discrimination legislation provides that it is unlawful to discriminate against a student in the area of education on the basis of:

- race, including colour, nationality, descent, and ethnic, ethno-religious or national origin
- sex or sexual orientation
- age
- disability.

When deciding to suspend or expel a student, anti-discrimination legislation and factors such as the age, individual needs, any disability and developmental level of students are to be considered.

2. SUSPENSION CONSIDERATIONS

General Principles

Suspension from school is an action taken by the Principal to address misbehaviour. Suspension from school is intended to:

- provide support for the student and the school through a problem-solving discussion
- protect the learning and safety rights of other members of the school community
- signal that irresponsible behaviour is not accepted by the school.

The length of the suspension depends on the severity and frequency of the misbehaviour.

The safety, care and welfare of the student, staff and other students is paramount in determining whether a student's misbehaviour is serious enough to warrant suspension, which will be done through the use of risk assessment.

Before Suspending

With the exception of serious instances of misbehaviour that impact on the safety or welfare of students or staff (see *Grounds for Immediate Suspension*), the full range of school student welfare and discipline strategies should have been implemented before a suspension is imposed. Actions should include:

- appropriate personalised learning and support strategies and discipline options, as required
- appropriate support personnel available and involved (e.g. Student Support Unit)
- discussion with the student and parents regarding specific misbehaviour which the school considers unacceptable and which may lead to suspension
- a record of all action taken.

Grounds for Immediate Suspension

In some circumstances, the Principal may determine that a student be suspended immediately. This will usually be due, but not limited, to reasons such as the safety of students or staff.

Considering relevant factors including age, individual needs, disability and development level, Principals should suspend immediately and consistently with these procedures any student who:

- **is physically violent**, resulting in injury, or whose violent behaviour seriously interferes with the safety and wellbeing of others.
- **is in possession of a firearm, prohibited weapon, or knife** (without reasonable cause)
- **uses, supplies, or is in possession of, a suspected illegal substance (not including alcohol or tobacco) or supplies a restricted substance**: The CSO firmly believes that schools must be places which are free of illegal drugs. Suspension is to occur immediately if the substance is being represented by the student as an illegal substance, or on confirmation that the substance is, in fact, illegal. Students who assist other students to obtain illegal substances or supply restricted substances, such as prescription drugs, are also to be suspended.
- **engages in serious criminal behaviour related to the school**

All of the above matters must be reported to the NSW Police immediately and the relevant Assistant Director, who will inform the Diocesan WHS Team Leader.

In addition to the abovementioned police matters, the Principal has the right to determine that a student be suspended immediately in other situations, where a risk assessment has been conducted and it is deemed appropriate for the safety or wellbeing of other students or staff in or light of the seriousness of the misbehaviour.

Duration of Suspension

The duration of any suspension is an important decision. Factors that must be considered include issues such as any previous suspension, the age of the student, family and personal circumstances, any recognised disability, the behaviour in question and its impact on others. Options include:

- Short-term suspension of 1-5 days are determined by the Principal without reference to the Assistant Director.
- Longer-term suspension over 5 days are considered very serious and are determined by the Principal after consultation with the relevant Assistant Director. A long suspension of up to and including twenty (20) school days may be imposed.

Partial periods of suspension may also be imposed where a student is suspended for a prescribed number of hours during a school day, or a prescribed number of days per week. Partial suspension could arise when a student is reintegrating into the school after a serious incident, or where their presence in a particular activity (for example, outdoor education programs) is not appropriate due to their previous behaviour in that activity.

Short Suspension

In circumstances where pre-suspension measures have been unsuccessful in resolving the inappropriate behaviour or if there are grounds for immediate suspension, a short suspension may be imposed of up to and including five (5) school days. Short suspensions may be imposed when Principals have reasonable grounds to believe that the student is:

- continually disobeying teachers, such as persistently refusing to follow school rules or the school's behaviour code e.g. refusing to obey staff instructions; defiance; disrupting other students; use of alcohol or repeated use of tobacco
- repeated aggressive behaviour, including hostile behaviour directed towards students, members of staff or other persons, including damaging the property of the school or students; bullying (including cyberbullying); verbal abuse and abuse transmitted electronically
- committing an illegal act
- repeatedly interfering with the rights of others.

Where the behaviour involves cyberbullying the school's anti-bullying programs are to be implemented.

If the serious inappropriate behaviour persists after two short suspensions, strategies such as further short suspensions, a longer suspension or alternative programmes may be arranged depending on the circumstances of each individual case.

Long Suspension

If short suspensions have not resolved the issue of inappropriate behaviour, or the misbehaviour is so serious as to warrant a long suspension, the Principal, after consultation with the relevant Assistant Director, may impose a long suspension of up to and including twenty (20) school days. In determining if a student's behaviour is serious enough to warrant a long suspension, the following must be considered:

- the safety of students and staff
- the merit and circumstances of the particular case; and
- factors such as the age, individual needs, any disability and developmental level of students.

Subject to factors outlined under 'Short Suspensions', Principals, Heads of Campus or by delegation Assistant Principals, will impose a long suspension for:

- **physical violence** which results in injury, or which seriously interferes with the safety or wellbeing of other students and staff (including sexual or indecent assault).
- **use or possession of a prohibited weapon** (see Toolkit – Appendix 11), **firearm** (including live ammunition and replica firearms) or **knife** (without reasonable cause). Prohibited weapons include laser pointers, or similar articles. Prohibited Weapons do not include harmless children's toys such as plastic imitation guns that are clearly intended to be toys.
- **possession, supply or use of a suspected illegal substance**. This does not include alcohol or tobacco, but does include supplying other students with illegal drugs or restricted substances such as prescription drugs.
- **criminal behaviour related to the school**. This includes malicious damage to property (school or community), or against the property of a fellow student or staff member on, or outside of the

school premises. If the incident occurred outside the school or outside school hours, there must be a clear and close relationship between the incident and the school.

- **use of an implement as a weapon.** When a student uses an implement as a weapon to assault or injure another person (including use of an offensive implement, which is any implement made or adapted to cause injury to another person).
- **persistent or serious misbehaviour.** This includes, but is not limited to:
 - repeated refusal to follow the school rules or discipline code
 - threatening to use a weapon in a way that might seriously interfere with the safety and wellbeing of another person
 - making credible threats against students or staff that involve risks
 - behaviour that deliberately and persistently interferes with the rights of other students to learn or teachers to teach including bullying, harassment and victimisation.

3. SUSPENSION PROCESSES

For information to guide these decisions, see *Suspension Considerations*.

Principals, Heads of Campus, Assistant Principals by delegation and Assistant Directors are encouraged to use the Suspension Checklist (see Toolkit – Appendix 2). This document will assist in each step of the process, regardless of whether they proceed to a suspension.

Before Making a Decision to Suspend

To facilitate a thorough investigation, critical actions for consideration are:

- immediately responding to the incident
- establishing the context and details of the student's behaviour and recording same
- considering the impact on affected parties, including other students at the school
- communicating with students and parent/carer
- considering procedural fairness and anti-discrimination obligations
- putting an immediate suspension in place, if appropriate
- contacting relevant CSO staff
- taking into account the considerations and actions required for vulnerable students
- considering if new interventions and supports can be put in place.

These actions may take place concurrently.

A formal disciplinary interview should where possible be held with the student prior to making the decision to impose a suspension. The Principal must inform the student of the precise grounds on which suspension is being considered. The student must be given the opportunity to consider and respond to this information. The student's response must be considered before a decision to suspend is made. The key features of the interview must be documented.

At any formal disciplinary interview, where possible, the Principal should ensure that the child/young person has a support person present. For very young children and students with certain disabilities it may be advisable to have a parent present during the interview. (See Toolkit – Appendix 10.) The Principal can elect to have a note taker present at the meeting who can provide accurate notes to all parties present at the meeting.

Where a long suspension is being considered, the student must be able to have an appropriate support person of their choosing present at the formal disciplinary interview.

Decision

If the behaviour of a student meets the grounds for suspension and the Principal decides to suspend, he or she must determine:

- whether the suspension will be undertaken in school or out of school
- the day on which the suspension will commence (including whether it will be an immediate suspension)
- the period of suspension
- actions that need to be agreed to before return to school
- student wellbeing.

The decision to suspend must be taken by the Principal, or in the Principal's absence, the person performing the Principal's role (relieving or acting Principal), the Head of Campus, or by delegation, the Assistant Principal.

Prior to the Suspension Taking Effect

Prior to the suspension taking effect, or on the day of taking immediate action, the Principal must complete all of the following:

- Ensure the behaviour meets the grounds for suspension.
- Notify the student (verbally) and the parent/carer (via telephone or in person) of the reason/s for the suspension, the school days on which the suspension shall occur where the suspension will occur.
- Provide the student and their parent/carer with the Notice of Suspension (see Toolkit – Appendix 4). If consideration is being given to proceeding to expulsion from the school, or exclusion, the notification of suspension or formal warning should make this intention clear.
- Advise the student and their parent /carer that the school will provide meaningful work during the suspension period, accessible online or via Compass.
- Record the suspension on the student's file.
- Discuss with the Assistant Director.

A student will not be sent out of the school before the end of the school day without notification being made to their parents and, if necessary, agreement reached about arrangements for the collection of the child from school. The Principal must ensure that adequate supervision is provided for that student at school until those arrangements are made.

Reasonable steps must be taken when parents have difficulty reading or understanding English.

Re-entry to School

Prior to a student returning to the school following a period of suspension, the Principal should:

- arrange a suspension resolution meeting with the student, parent/carer where appropriate, and Principal, if contact has not already been established by the family
- advise the student that re-entry may include conditions to manage and monitor appropriate behaviour when the student returns to school
- consult with the parents/carers (where appropriate) to develop a program to support the student's reintegration – this could include provisions about attendance, learning and clear strategies for the student to engage in positive behaviours whilst at school
- involve relevant school staff or other support services (such as school counsellors) in the development and implementation of the student's reintegration program
- provide opportunity for the student to bring a nominated support person, should parents or school staff not be appropriate/available.

The Principal should also consider the above steps for re-entry to school where a student's suspension has been either revoked or varied.

A record should be made of the outcomes of any suspension resolution meeting. This should be retained on file at the school. A copy should be provided to the student and the parents/carers.

If parents are unable or unwilling to attend a suspension resolution meeting, the Principal should consider the individual merits of the case and attempt to ensure that the student is back at school on or before the concluding date of the suspension period.

Where it is not possible to resolve a suspension by the due date, the Assistant Director must be notified and alternative steps taken by the Principal, in consultation with the Assistant Director, to resolve the suspension and facilitate the student's return to school. Clear documentation should be maintained indicating why the suspension cannot be resolved.

Risk Considerations

Where a student is returning from suspension following an incident that involved a risk to the safety or wellbeing of staff, students or other persons, the Principal must undertake a risk assessment in order to assess whether the return of the student will pose a risk to staff, students or other persons and ensure documented mitigation of any identified risks. This should be completed before the final day for resolution of the suspension. The student should not be re-admitted to the school until the issues identified in the risk assessment have been addressed.

Educational Support During a Suspension Process

It is important that a student is supported to remain engaged in their education during a suspension process. The school should provide a student with work to support them to keep up with their learning and academic progress.

A child on long suspension will be provided with work by each subject teacher or their class teacher. Generally, most of this work will be made available online/through Compass.

If there are any questions, students are to contact the relevant teacher by email.

Complaints

In the event that a parent or student is not satisfied with the process followed by the school in regard to the suspension, they may lodge a complaint with the CSO via the complaints process (<https://www.mn.catholic.edu.au/about/complaints-resolution-feedback/>). Complaints will be processed in accordance with the Complaints Resolution Policy and Procedures.

4. EXPULSION AND EXCLUSION PROCESSES

Expulsion or exclusion of a student may occur when any of the student's recorded misconduct is persistent or is otherwise incompatible with the student's ongoing enrolment.

Following a behavioural incident of such magnitude that expulsion may be considered, it is critical to conduct a thorough investigation to ensure procedural fairness. Expulsion should not be a pre-determined outcome of this process.

Principals are encouraged to engage and collaborate with their Assistant Director about support and interventions for the student that may not have been considered or implemented previously.

Principals, are encouraged to use the Expulsion Checklist (see Toolkit – Appendix 3). This document will assist in ensuring they acquit each step of the process, regardless of whether they proceed to an expulsion.

At the investigation stage, it is essential that all supports and interventions implemented are thoroughly documented, and proper consideration is given to procedural fairness and anti-discrimination obligations. This is important to ensure the best outcome for a student, and to ensure that Principals, have sufficient written evidence to support an expulsion decision if it is later reviewed.

To facilitate a thorough investigation, critical actions for consideration are:

- immediately responding to the incident
- establishing the context and details of the student's behaviour and recording same
- considering the impact on affected parties, including other students at the school
- communicating with students and parent/carer
- considering procedural fairness and anti-discrimination obligations
- putting an immediate suspension in place, if appropriate
- contacting relevant CSO staff
- taking into account the considerations and actions required for students impacted by the incident
- considering if new interventions and supports can be put in place
- considering if the behaviour meets one of the grounds for expulsion and is of significant magnitude to warrant proceeding through the expulsion process.

These actions may take place concurrently.

Immediate Incident Response

Some incidents will require an immediate response. The school may need to activate the school's serious incident (emergency response) management plan, report the incident, act on health and safety (WHS) needs and inform a student's parent/carer about the incident.

Wellbeing Support

The CSO is committed to maintaining a safe workplace and the wellbeing of Principals and Heads of Campus, school staff and students is a priority throughout an expulsion process. Principals are encouraged to access supports available from a range of areas in CSO and the Diocese. Assistant Directors, Principal Coaches and the WHS team are able to provide advice on relevant wellbeing support available.

Grounds for Expulsion

A Principal may expel a student from the school if, whilst attending school, travelling to and from school or engaging in any school-related activity away from school (including when travelling to or from that activity) if the student:

1. behaves in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person
2. causes significant damage to or destruction of property
3. commits or attempts to commit or is knowingly involved in the theft of property
4. possesses, uses or sells or deliberately assists another person to possess, use or sell illicit substances or weapons
5. fails to comply with any clear and reasonable instruction of a staff member so as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person
6. engages in behaviour that vilifies, defames, degrades or humiliates another person based on: age, breastfeeding, gender, identity, disability, industrial activity, lawful sexual activity, marital status, parent/carer status or status as a carer, physical features, political belief or activity, pregnancy, race, religious belief or activity, sexual orientation, personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes
7. behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student

AND the student's behaviour is of such magnitude that, having regard to the need of the student to receive an education compared to the need to maintain the health, safety and wellbeing of other students and staff at the school and the need to maintain the effectiveness of the school's educational programs, expulsion is the only available mechanism.

Communicating with the Parent/Carer

It is important to communicate with the student and their parent/carer as soon as possible, so that they are aware of the situation and can put in place supports as required. Depending on the circumstances, this may happen prior to, or during the initial stages of the investigation.

When communicating with the student and their parent/carer, the Principal should:

- provide details of the alleged incident or behaviour
- let them know an investigation is underway, and that this will be conducted fairly with consideration given to the student's best interests and the safety and wellbeing of the school community
- seek any relevant information that could inform the investigation
- advise if a suspension is being put in place and follow the relevant suspension processes
- establish if any other immediate wellbeing supports are needed that can be provided by the school or the CSO.

All parents and carers are entitled to be notified if there is a behavioural incident of such magnitude that expulsion may be considered unless:

- i. there are court orders in place which state otherwise; or
- ii. there are reasonable grounds to believe that doing so would place the student at risk of significant harm.

In circumstances where there is more than one parent/carer who would like to participate in the expulsion process, it is important to involve all of them. If the Principal needs advice and assistance on how to proceed with an expulsion in these circumstances, it is strongly recommended that they contact their Assistant Director.

Putting an Immediate Suspension in Place if Appropriate

The Principal may decide that the student should be suspended from school immediately while an expulsion is being considered, if the student's behaviour is such that they are putting the health, safety or wellbeing of themselves or any other person at significant risk.

The Principal must follow the suspension process set out in these procedures to:

- ensure the behaviour meets the grounds for suspension
- provide the student and their parent/carer with the Notice of Suspension (see Toolkit – Appendix 4)
- record the suspension on the student's file
- provide the student with meaningful work during the suspension period
- discuss with the Assistant Director if the suspension extends beyond five days.

Contacting the Assistant Director

It is essential that the Assistant Director is involved throughout an expulsion process. An Assistant Director will not take on any of the Principal's responsibilities or decision-making authority.

Behavioural Support Meeting

A Behaviour Support Meeting must be held when an expulsion is being considered. Expulsion should not be a pre-determined outcome of this meeting. A Behaviour Support Meeting provides an opportunity for the student and their parent/carer to meet with the Principal and collaboratively

discuss the student's behaviour. The meeting must be conducted as informally as possible to encourage participation from all parties.

The purpose of the Behaviour Support Meeting is to:

- advise the student and their parent/carer that the Principal is considering whether to expel the student
- ensure all available supports and interventions in response to the behaviours of concern are considered for the student
- outline the grounds for expulsion that are being considered and the evidence to support a finding that the student has engaged in relevant conduct
- ensure that the student and their parent/carer have the opportunity to be heard
- consider the impact of the behaviour of the student on other affected parties
- identify the future educational options most suited to the student's needs and discuss possible courses of action in the event expulsion is decided.

Actions Prior to the Meeting

The Principal must provide the student and parent/carer with a copy of these procedures.

The Principal must contact the student and their parent/carer to inform them of the date, time and place for the meeting, taking reasonable steps to find a suitable time for all parties to meet.

The Principal must also advise them:

- of the importance of both the student and their parent/carer attending the meeting
- that if the student's parent/carer is unable or unwilling to attend, they/or the student may nominate another adult to attend
- of the matters to be discussed at the meeting, which will include the impact of the student's behaviour on the affected parties
- that a support person of their choice may accompany them
- that if the student and their parent/carer do not attend the behaviour support meeting, it may proceed without them and a decision may be made without the benefit of hearing from them.

Students who are 18 years old or over or who are considered to be a mature minor by the school for the purposes of expulsion issues, have the right to elect that their parent/carer not attend the meeting. The Principal should strongly encourage these students to have a support person accompany them.

At the Meeting

During the meeting, the Principal should:

- discuss grounds upon which an expulsion is being considered and present the evidence to support this
- provide the student, their parent/carer and independent support persons with an opportunity to be heard and to provide any further context to the behaviours
- identify the needs and goals of the student and family for the student's future
- discuss potential options for a supported transition.

The Principal also needs to consider:

- the impact of the student's behaviour on other affected parties
- alternative disciplinary measures
- new interventions and supports that can be put in place to retain the student at school (expulsion is not a predetermined outcome of this meeting).

The key points discussed at the meeting are to be documented. If the student's parent/carer cannot attend the meeting, the school must send them a copy of the meeting record.

Meeting Attendees and Support

It is important that the student has a person to support them throughout the process. Parents are strongly encouraged to participate in this meeting. A support person can also be someone the student/family trusts and chooses to be involved as a support throughout the process. School-based or CSO staff can also act as the student's support person if nominated by the student.

The school will offer the services of an interpreter to attend the meeting if required.

If the student and their parent/carer do not attend the behaviour support meeting, it may proceed without them and a decision may be made without the benefit of hearing from them.

Decision

In some instances it may be appropriate to expel a student who compromises the health, safety or wellbeing of the school community in order to protect the learning environment for all students and to continue with effective teaching. This may be a difficult decision to balance the needs of all students in the school community. Principals are encouraged to engage closely with their Assistant Director to ensure the best outcome is reached.

When deciding on the expulsion of a student, the Principal must properly, fairly and without bias consider all relevant matters, including the impact of the behaviour of the student on other affected parties. The Principal must determine whether the expulsion is appropriate in light of:

- the behaviour for which the student is being expelled
- the educational needs of the student
- any disability of the student
- the age of the student
- the magnitude and impact of the student's actions
- the residential and social circumstances of the student.

The Principal must also ensure that all information or documentation related to the student or provided by their parent/carer or developed by the school has been taken into account when making the decision.

Assistant Directors can provide advice to Principals on documenting their expulsion decision.

The processes outlined above will also apply in circumstances where a decision is made by the school Principal using their school exclusion powers and the Director of Schools to exclude a student from another school or other schools in the Diocese.

Expulsion is a sanction to be applied, generally, as a last resort when other disciplinary measures, including suspension, have not produced a satisfactory outcome. In deciding to expel a student, careful consideration must be given to the welfare of the student and to the overall good and/or safety of the school community.

While the Principal is making a decision, the school should continue to provide the student with work.

Deciding Not to Expel

If the Principal decides not to expel the student, the student should be supported to continue at the school. The Principal should convene a meeting in collaboration with the student and their parents/carers. A risk assessment should be completed that focuses on additional or existing interventions and supports to engage the student positively at school, and ensures the safety of the school community. Referrals to school based, local allied health and community supports should be

made as appropriate. Other reasonable adjustments to the student's program should also be considered. Building a working relationship with the student and parents/carers should be a priority.

Deciding to Expel

To maintain procedural fairness and transparency, Principals must complete and retain thorough and detailed documentation of their expulsion decision. This is also important as an expulsion decision can be appealed by the student or their parents/carers on the basis that the process was not followed.

Principals must provide the student and their parents/carers with a Notice of Decision to Expel (see Toolkit – Appendix 7) and a copy of the Expulsion Appeal Form (see Toolkit – Appendix 9).

The Notice of Expulsion must state:

- the ground/s for the expulsion
- the reason/s for the expulsion
- the date of the commencement of the expulsion
- that the student has a right to appeal the expulsion decision.

The Principal must also prepare a written School Expulsion Report (see Toolkit – Appendix 8) which contains:

- a short statement of the history of the student's time at the school
- the grounds for the expulsion
- the reasons for expulsion
- any considerations in support of the expulsion including a comprehensive range of strategies which might have been employed to date
- any considerations of the impact of behaviour of the student on other affected parties
- any representations made by the student or their parent/carer
- a summary of the options considered at the Behaviour Support Meeting and why expulsion was considered necessary
- details of the arrangements that have been made for the continuing education of the student (as appropriate)
- recommendations on whether any further action either at the school or system level is required, including strategies at the school level to prevent the repeat of similar circumstances.

The Expulsion Report and a copy of the Notice of Expulsion must be provided to the Director of Schools through the Assistant Director and retained on file.

Supported Transition

In situations where there is a real possibility of expulsion, the Principal may explore with their Assistant Director, and/or a Principal of another school, the feasibility of placement of the student at another Catholic school. In such cases:

- discuss the feasibility of a re-enrolment of the student at an alternative Catholic school with parents/carers and student
- consult with the Principal of the proposed new school and seek his/her support
- consult with the Assistant Director to complete a risk assessment and to develop a transfer plan with the Principals of both schools detailing goals for student learning, support structures to be put in place and outlining the responsibilities of the student and the consequences of adhering or not adhering to these responsibilities.

5. REVIEW OF THE DECISION TO EXPEL OR EXCLUDE

As the purpose of a suspension is to negotiate a satisfactory outcome for all parties involved, there are no formal rights to appeal against suspension from school.

A decision to expel or exclude a student can be appealed by the student or their parent/carer.

An expulsion or exclusion can be appealed on the following grounds:

- a student has a history of behavioural issues, and there is insufficient evidence of prior interventions designed to address the behaviour and support the student
- the grounds on which the student was expelled are considered unfair
- the expulsion process was not followed by the school
- other extenuating circumstances.

Appeal Lodgement

If a student or their parent/carer chooses to appeal the Principal's expulsion/exclusion decision, they must complete the Expulsion/Exclusion Appeal Form and provide it to the Principal within 10 business days of receiving the Notice of Expulsion or Exclusion.

Appeals lodged after 10 business days will only be considered in extenuating circumstances. The Principal will forward late appeals to the Director of Schools who will make an assessment on a case by case basis.

The Principal must provide the Director of Schools within one (1) business day of receiving the appeal (including appeals received after 10 business days) with a copy of:

- Notice of Expulsion
- Expulsion Report
- Record of Behaviour Support Meeting
- Expulsion Appeal Form lodged by the student/parent/ carer.

The Principal should also contact the Assistant Director to advise that an appeal has been lodged.

The student will remain expelled or excluded until the review has been conducted. While the review of a decision to expel or exclude is being considered, alternative placements for the student may continue to be explored.

Review process

The review itself will be conducted by an Assistant Director who has not previously been involved in the matter (i.e. an Assistant Director who is independent from the school*). The Assistant Director may delegate the appeal to an appropriate officer or review panel within the CSO, to make a recommendation to the Director on whether to uphold or overturn an expulsion decision. Review recommendations are to be provided to the Director of Schools, who will make the final determination.

*An Assistant Director who has been involved in a decision to suspend or expel a student from a particular school (including providing counsel to the school Principal) is prevented, on the grounds of procedural fairness, from deciding an appeal.

The review will consider the documentation provided and must provide an opportunity to hear from the student and affected parties including:

- the student and their parent/carer to explain their reasons for appealing the expulsion decision – this can be done in person or via phone, engaging interpreters where required
- the Principal
- other parties able to provide advice on relevant safety and wellbeing issues.

Appeal Decision

The Director will consider the appeal, including any recommendation from an appeals officer or appeal review panel, but they are not bound to follow the recommendation.

The Director must use their best endeavours to make a decision within 15 business days of receiving the Expulsion Appeal Form from the Principal.

The Director will contact the Principal, student and their parent/carer within two (2) business days of a decision being reached to communicate the decision made. They must also provide the Principal, student and their parent/carer with written notification of their decision.