

# SUSPENSION, NEGOTIATED TRANSFER AND EXPULSION POLICY

## 1.0 INTRODUCTION

One of the distinguishing characteristics of the Catholic school, as part of its evangelising mission, is the respect it holds for the dignity of all human persons.

Therefore, Diocese of Sale Catholic Education Limited (**DOSCEL**) holds that the development and promotion of high-quality relationships among all members of the school community are best achieved within environments that are safe, supportive, inclusive and empowering. In accordance with this belief, values to be promoted within a Catholic school's understanding and practice of pastoral care and behaviour management include love, respect, compassion, tolerance, forgiveness, reconciliation and justice.

The conduct of students as members of the school community is expected to align with these beliefs.

Working in partnership with parents and guided by values of justice, equity, integrity, respect and compassion, approaches to behaviour management in Catholic schools are underpinned by the belief that all students require a level of behaviour that respects their rights and the rights of others to:

- Be safe and feel safe
- Learn to the best of their ability
- Express themselves
- Take responsibility for their choices.

## 2.0 PURPOSE

Every student in a Catholic school deserves a safe and positive learning experience where they are engaged and supported to reach their full potential.

DOSCEL and Marist Sion College Warragul's (Marist-Sion College) Policy and Procedures for Suspension, Negotiated Transfer and Expulsion defines grounds and procedures that must be followed by College Leadership prior to suspending, expelling or negotiating an education transfer of students in Catholic schools. It must be interpreted within the context of the law and applied under the Charter of Human Rights and Responsibilities. This means that DOSCEL and Marist-Sion College's Policy and Processes for Suspension, Negotiated Transfer and Expulsion must be complied with in a manner which is consistent with the Charter.

The DOSCEL Whole School Approach to Positive Behaviour Support outlines expectations and recommended procedures for schools. The Approach supports the development of school policies and processes to promote positive student behaviour and respond to challenging student behaviour. In addition to this, the Behaviour Management Policy sets out that schools will implement behaviour management policies, procedures and processes that are underpinned by whole school positive behaviour approaches and comply with relevant legislation.

It is always preferable for in-school adjustments to be implemented to develop positive student behaviour. On occasions where a student's actions may compromise the health, safety and wellbeing of other students and staff at Marist-Sion College, the Principal may consider suspension, negotiated transfer or the expulsion of a student. When the Principal activates procedures for suspension, negotiated transfer or the expulsion, it is vital that transparent, fair and supportive processes, along with appropriate checks, are in place.

### **3.0 DEFINITIONS**

#### **3.1 Suspension**

When a student's attendance at school has been temporarily withdrawn for a set period of time. Suspension allows the parties involved to reflect on and enter into dialogue about the behaviour and circumstances that have led to the suspension, and to plan and/or review learning and behaviour supports to assist a student to engage positively with school and learning.

#### **3.2 Negotiated transfer**

When all other pastoral support, interventions and discipline measures, including suspension, have failed to resolve an issue of serious inappropriate student behaviour, a negotiated transfer may be considered. A negotiated transfer means a documented and mutually agreed move to another school is arranged. A negotiated transfer ends the enrolment agreement with the first school and requires enrolment in the new school.

#### **3.3 Expulsion**

Expulsion occurs when, following approval by the Chief Executive Officer of DOSCEL, Director of Catholic Education, Diocese of Sale, a student's attendance at their current school is permanently withdrawn by the principal. Expulsion involves the termination of the contract entered into at the time of the enrolment by the parent(s)/carer(s)/relevant person. The principal, wherever possible, will work with the student and their parent(s)/carer(s)/relevant person to arrange enrolment with another school.

#### **3.4 Compulsory school age**

It is compulsory for children and young people aged between six and 17 years of age to be enrolled in a Victorian school by their parents/guardians, unless an exemption has been granted.

Students of compulsory age are only permitted to leave school if an exemption is in place or if they are registered for home schooling. In the case of students who are of post-compulsory school age, a wider range of options might be considered, including transitioning to the workforce, or to a higher education or training institute. Any application for exemption from school should be developed in consultation with the Director of Catholic Education, Diocese of Sale.

#### **3.5 Mature Minor**

DOSCEL recognises that parents and carers are significant and essential partners with schools in actively supporting and nurturing the educational and wellbeing outcomes of children and young people from early years through adolescence. For this reason, schools continue to engage parents in schooling matters even after the student has turned 18 and are legally recognised as adults. Notwithstanding this, for a variety of reasons students under the age of 18 sometimes ask to make decisions on their own behalf, without involvement of their parents. In such scenarios, the principal should, in the first instance, seek advice from the Director of Catholic Education, Diocese of Sale prior to determining whether a student is a 'mature minor'.

### 3.6 Relevant Person

Relevant person means:

- a) where a student is living with his or her parent/s, is under 18 years of age and is not considered a mature minor –
  - a. a parent;
  - b. an adult nominated by the parent; or
  - c. an adult from the suitable person list;
- b) where a student is in out of home care –
  - a. a parent;
  - b. an adult who is residing with, and providing care to, the child in the out of home care arrangement; or
  - c. an adult from the suitable person list;
- c) where a student is considered a mature minor –
  - a. an adult nominated by the student; or
  - b. an adult from the suitable person list.

### 3.7 Vulnerable Students and Families

Marist-Sion College will consider the special provisions that may apply where vulnerable students and families are concerned, prior to determining whether to instigate processes associated with suspension, negotiated transfer or expulsion.

Considerations include:

- **Aboriginal and Torres Strait Islander Students.** When considering a suspension for an Aboriginal or Torres Strait Islander student, a principal should notify the Manager: Learning and Teaching to contribute to support and planning.
- **Students with Disability.** When considering suspension for a student with a disability, a principal should notify the Manager: Learning and Teaching to contribute to support and planning.
- **Student from Culturally and Linguistically Diverse Communities (CALD).** When considering suspension for a student from within a CALD community, a principal should notify the Manager: Learning and Teaching to contribute to support and planning.
- **Students in Out of Home Care.** When considering suspension for a student living in Out of Home Care, a principal should notify the Manager: Learning and Teaching to contribute to support and planning.
- **Students with mental health concerns.** When considering suspension for a student presenting with mental health concerns, a principal should ensure that they are working with the family and relevant health professionals to ensure a thorough understanding of all issues. A principal should also notify the Manager: Learning and Teaching to contribute to support and planning.
- **Students whose wellbeing and safety may be at risk, including in the context of family violence.** When considering suspension of a student whose wellbeing and safety may be at risk, a principal must ensure the school complies with any obligations under child safety legislation and related schemes, including with respect to information sharing under the Child Information Sharing Scheme (CISS), Family Violence Information Sharing Scheme (FVISS) and the principles outlined in the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM). For further information, see: [Child Information Sharing Scheme Ministerial Guidelines](#), [Family Violence Information Sharing Guidelines](#), [Family Violence Multi-Agency Risk Assessment and Management Framework](#) and [Information Sharing and Family Violence Reforms Contextualised Guidance](#).

## **4.0 PRINCIPLES**

### **4.1 Fairness**

All students and staff have the right to be treated fairly and with dignity in an environment that is safe, free from disruption, intimidation, harassment and discrimination. To achieve this, all schools must maintain high standards of student behaviour. There will be cases of unacceptable behaviour where it will be in the best interests of the College community and/or the student involved for the student to be removed from school for a period of time, or completely. Suspension, negotiated transfer and expulsion are options available to the principal in these extenuating circumstances.

### **4.2 Ongoing learning**

Prior to, and during processes of, suspension, negotiated transfer and expulsion, schools must ensure that, where practicable:

- the appropriate personalised learning and behaviour support strategies have been used and documented
- the appropriate support personnel available within the school system and externally have been involved.

Collaboration and genuine engagement between school staff, students and parent(s)/carer(s) is an important feature of behaviour support in Catholic schools. All should be fully aware of the school's wellbeing and behaviour support policies and practices.

### **4.3 Supporting vulnerable students**

In implementing suspension, negotiated transfer or expulsion procedures, the principal will consider the special provisions that may apply where vulnerable students and families are concerned. These include students:

- of Aboriginal and Torres Strait Islander descent
- with disabilities
- from culturally and linguistically diverse backgrounds
- in out-of-home care
- presenting with mental health concerns
- whose wellbeing or safety may be at risk, including students who may be at risk of family violence.

### **4.4 Diversity and equity**

When responding to behaviour concerns associated with a student with a disability, consideration must be given to the requirements of the *Equal Opportunity Act 2010* (Vic.), *Disability Discrimination Act 1992* (Cth), *Disability Standards for Education 2005* (Cth) and *Charter of Human Rights and Responsibilities Act 2006* (Vic). These Acts require that reasonable adjustments are provided to support students with a disability to access and participate in education on the same basis as other students.

### **4.5 Transparency and voice**

Should parent(s)/carer(s) require a support person in order to participate fully in the suspension, negotiated transfer or expulsion process, a suitable support person may be involved. The responsibility for organising a support person rests with the student or parent(s)/carer(s).

The Principal must ensure that records are made and retained of any action taken in relation to behaviour support or interventions put in place for the student and, if deemed necessary, the implementation of suspension, negotiated transfer or expulsion processes.

In determining whether a student's behaviour is serious enough to warrant suspension, negotiated transfer or expulsion, the principal will consider the safety, care and wellbeing of the student, staff and other students. In such circumstances, the interests of the student shall be balanced against the common good.

## **5.0 PROCEDURES**

- 5.1 DOSCEL sets out the policy and procedures for suspension, negotiated transfer and expulsion for use in Marist-Sion College in which it governs.
- 5.2 Procedures for suspension, negotiated transfer and expulsion are set out in this document;
  - Procedures for Suspension in a Catholic School
  - Procedures for Negotiated Transfer in a Catholic School
  - Procedures for Expulsion in a Catholic School
- 5.3 Catholic schools in the Diocese of Sale will implement behaviour management policies, procedures and processes that are underpinned by the DOSCEL Whole School Approach to Positive Behaviour Support approaches and that comply with relevant legislation.
- 5.4 Catholic schools in the Diocese of Sale will implement the DOSCEL Policy and Procedures for Suspension, Negotiated Transfer and Expulsion in conjunction with the school's behaviour management, child safety and protection, critical incident and pastoral care policies.

## **6.0 EXPECTED OUTCOMES**

- 6.1 Catholic schools in the Diocese of Sale will adhere to the DOSCEL Policy and Procedures for Suspension, Negotiated Transfer and Expulsion.
- 6.2 Marist-Sion College will provide a safe and supportive environment for staff, students and members of the community.
- 6.3 Marist-Sion College will clearly document their school wide expectations, the processes for determining behaviour consequences, and intensive support plans for students.
- 6.4 DOSCEL and Marist-Sion College community members will work respectfully and collaboratively with families and communities.

## **7.0 REFERENCES**

- Diocese of Sale Catholic Education Limited (2016). *Whole School Approach to Positive Behaviour Support: Universal*. Warragul: Diocese of Sale Catholic Education Limited.
- Diocese of Sale Catholic Education Limited (2017). *Critical Incident Response and Management Manual*. Warragul: Diocese of Sale Catholic Education Limited.
- Diocese of Sale Catholic Education Limited (2019). *Whole School Approach to Positive Behaviour Support: Intensive*. Warragul: Diocese of Sale Catholic Education Limited.
- Department of Education and Training (2016). *Child Safe Standards – Managing the Risk of Child Abuse in Schools Ministerial Order No. 870, Education & Training Reform Act 2006, Gazette No. S2*, accessed 16 May 2016 from [www.gazette.vic.gov.au/gazette/Gazettes2016/GG2016S002.pdf](http://www.gazette.vic.gov.au/gazette/Gazettes2016/GG2016S002.pdf)

Department of Education and Training (2018a). *Expulsion Process*. Accessed on 20 May 2019 from: <https://www.education.vic.gov.au/school/teachers/behaviour/suspension-expulsion/Pages/expulsionprocess.aspx>

Department of Education and Training (2018b). *Suspension Process*. Accessed on 20 May 2019 from: <https://www.education.vic.gov.au/school/teachers/behaviour/suspension-expulsion/Pages/inschoolsuspension.aspx#link2>

CISS, FVISS and MARAM

- [Child Wellbeing and Safety Act 2005 \(Vic.\)](#)
- [Child Wellbeing and Safety \(Information Sharing\) Regulations 2018](#)
- [Family Violence Protection Act 2008 \(Vic.\)](#)
- [Family Violence Protection \(Information Sharing\) Regulations 2018](#)
- [Child Information Sharing Scheme Ministerial Guidelines](#)
- [Family Violence Information Sharing Guidelines](#)
- [Family Violence Multi-Agency Risk Assessment and Management Framework](#)
- [Information Sharing and Family Violence Reforms Contextualised Guidance](#)

## 8.0 RELATED POLICIES

- Behaviour Management Policy
- Child Safety and Wellbeing Policy
- Critical Incident Management Policy
- Pastoral Care Policy

## 9.0 REVIEW

**Implementation Date:** May 2020

**Updated:** April 2021

**Review Date:** May 2022