



## Suspension and Expulsion of Students Policy

Reviewed: November 2020

Next Review: 2023

### Rationale

The Diocese of Ballarat Catholic Education Limited (DOBCEL) Suspensions and Expulsion Policy and Procedures are, approved by the Board of DOBCEL and ratified by the Member, Bishop of Ballarat. The documents provide the principles and key elements of DOBCEL's approach to managing its responsibilities and obligations for the care, safety and welfare of students in DOBCEL Schools in supporting positive behaviours in schools. All DOBCEL Schools must ensure the Suspension and Expulsion Policy and Procedure implemented at school level are consistent with these DOBCEL policies and procedures.

Foundational to Diocese of Ballarat Catholic Education Limited (DOBCEL) Schools and work with school communities is the building of genuine, authentic relationships. The development and promotion of high-quality relationships are responsibilities shared by all members of the school community. Teachers, students, families, parishes and the wider community contribute to fostering life-affirming relationships that recognise and support the inherent dignity of each person.

Students in DOBCEL Schools today present with a diversity of needs and require support in a range of ways, including behavioural support. Well-articulated school policies on behaviour expectations and management – if age-appropriate, pastorally driven and focused on ensuring a just and reasonable balance of individual and community rights – will assist in building and maintaining a positive school culture and a safe learning and work environment for students and staff.

DOBCEL is committed to fostering a positive culture and a safe and inclusive learning environment in schools. The dignity of each person is respected at all times. This implies that each person behaves in a manner characterised by mutual trust and respect so that all students are able to participate fully in an environment that enriches their spiritual, physical, intellectual, emotional and social growth and outcomes.

From time to time, students, for various reasons, engage in inappropriate behaviour. The response and educative process by others in understanding this behaviour can either hinder or assist the long-term positive behaviour of the individual. It is important, therefore, to have a whole school approach to expectations, development of knowledge, skills and capabilities, support, response and management of student behaviour that is consistent with the school's vision.

Every member of the school community has a right to participate fully in an educational environment that is safe, supportive and inclusive. The safety and wellbeing of others will be an important consideration in determining the reactions to and consequences of inappropriate behaviour.

## Definitions

**Expulsion:** Expulsion involves the termination of the contract entered into at the time of the enrolment by the parent(s)/carer(s)/relevant person.

Expulsion occurs when, following consultation with DOBCEL Principal and Assistant Director: Policy and Development that a student's attendance at their current school is permanently withdrawn by the Principal.

The School's enrolment agreement explicitly records at the time of acceptance of the enrolment of a student that unacceptable behaviour by a child, may result in suspension or termination of the child's enrolment.

The Principal, wherever possible, will work with the student and their parent(s)/carer(s)/relevant person to arrange enrolment with another school in accordance with this Framework.

**Mature Minor:** The DOBCEL Board 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, DOBCEL Schools continue to engage parents in schooling matters even after the student has turned 18 and is legally recognised as an adult.

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. The law recognises that a young person with sufficient maturity and intelligence may reach a stage where they are capable of making their own decisions about a wide range of issues including decisions about their education, healthcare and wellbeing before they are 18 years old. These young people are often referred to as 'mature minors'.

In such scenarios the Principal should consider the circumstances on a case-by-case basis and be satisfied that the young person has sufficient maturity, understanding and intelligence to comprehend the nature and effect of a particular decision. The Principal is, in the first instance, required to refer to the National Catholic Education Commission's Privacy Compliance Manual and to consult with DOBCEL Manager: Safeguarding and Standards and obtain the approval of the DOBCEL Assistant Director: People and Development or the delegate of the DOBCEL Executive Director) prior to determining whether a student is a 'mature minor'.

**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 parent
  - an adult nominated by the parent
  - an adult from the suitable person list.
- b) where a student is in out-of-home care –
  - a parent
  - an adult who is residing with, and providing care to, the child in the out-of-home care arrangement or
  - an adult from the suitable person list.

c) where a student is considered a mature minor –

- an adult nominated by the student
- an adult from the suitable person list.

**Support Person:** Someone that the parent(s)/carer(s)/relevant person can nominate to act in the student's best interests and who may speak on their behalf. A support person cannot make a decision for the student.

A support person may assist parent(s)/carer(s)/relevant person:

- understand what is going during the meeting
- interpret for the parent if they do not speak or understand English.

The support person's details must be provided to the Principal prior to a meeting.

**Suspension:** Suspension occurs when a student's attendance at school has been temporarily withdrawn on the authority of the principal, 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.

**Vulnerable students:** The DOBCEL Board requires that the Principal of each DOBCEL School considers the special provisions that may apply where vulnerable students and families are concerned, in determining whether to instigate processes associated with suspension or expulsion. Such students include Aboriginal and Torres Strait Islander students, students with disabilities, students in out of home care, students from culturally or linguistically diverse communities and those with mental health issues.

## Principles

Gospel values and Catholic social teaching are reflected in DOBCEL policies on student wellbeing and influence a school's response to promoting positive pastoral and restorative principles and practices:

**Human Dignity** - Our common humanity requires respect for and support of the sanctity and worth of every human life. DOBCEL Schools uphold an unequivocal commitment to fostering the dignity, self-esteem and integrity of children and young people and to providing them with safe, supportive and enriching environments to develop spiritually, physically, intellectually, emotionally and socially.

**Common Good** - Each social group, therefore, must take account of the rights and aspirations of other groups, and of the well-being of the whole human family. The common good is reached when all work together to improve the wellbeing of society and the wider world. The rights of the individual to personal possessions and community resources must be balanced with the needs of the disadvantaged and dispossessed.<sup>1</sup>

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<sup>1</sup> <https://www.caritas.org.au/learn/cst/the-common-good>. See also The Light from the Southern Cross, op.cit., p.162.

## Guiding Principles – Suspensions and Expulsions

The Guiding Principles for effective management of suspensions and expulsions at DOBCEL Schools include:

### 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 school community and/or the student involved for the student to be removed from the school for a period of time or completely. Suspension and expulsion are options available to the Principal in these extenuating circumstances.

### Ongoing learning

Schools must ensure that, where practicable, prior to, and during processes of, suspension and expulsion:

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

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

### Supporting vulnerable students

In implementing a suspension and expulsion, the Principal will consider the special provisions that may apply where vulnerable students and families are concerned, notify the DOBCEL Assistant Director: People and Development. 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.

### 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) and *Disability Standards for Education 2005* (Cth). These 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.

## Transparency and voice

Should parent(s)/carer(s) require a support person in order to participate fully in the suspension or expulsion process, a suitable person may be involved e.g. a member of a Local Aboriginal Education Consultative Group, an interagency support worker, staff from Victorian Aboriginal Child Care Agency (VACCA) or Victorian Aboriginal Education Association Incorporated (VAEAI). 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 or expulsion processes.

In determining whether a student's behaviour is serious enough to warrant suspension or expulsion, the Principal will consider the safety, care and wellbeing of the student, staff and other students and, notify the DOBCEL Assistant Director: People and Developments to see support. In such circumstances, the interests of the students will be balanced against the duty of care to, and the rights of, all members of the school community, and the legal obligations to, as far as reasonably practicable, provide and maintain a working environment that is safe and without risk to health.

Where requested, the Principal will assist the parent(s)/carer(s)/relevant person to access to counselling for the student.

## Policy Statement

DOBCEL Schools are required to have policies and procedures consistent with the Policy Development document to promote consistent and fair approaches for managing suspensions and expulsions of students including:

- ensuring that steps for managing suspensions and expulsions are clear
- ensuring that the policies and procedures are communicated to parents, guardians and students
- ensuring that there are procedures for maintaining a register of suspensions and expulsions
- ensuring that DOBCEL School follow the DOBCEL approved policies, procedures and guidelines.
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## Responsibilities

The DOBCEL Board will monitor to ensure that all DOBCEL Schools meet the minimum standards as they relate to student behaviour and suspensions and expulsions.

The DOBCEL Board will develop policies for Suspensions and Expulsions of Student and the Executive Director will monitor the implementation of that policy in DOBCEL Schools. Changes in the Suspension and Expulsions of Students policies will be communicated to Principals as soon as possible.

The Principal to report to the Executive Management Team via Educational Consultant. The Executive Director of DOBCEL Schools will report to the DOBCEL Board on the implementation and compliance across all schools in a regular schedule.

The Executive Director of DOBCEL Schools will provide resources to schools to support the development and implementation of school policy and procedures. Principals will receive training to ensure that schools comply with the policy.

The Executive Director of DOBCEL Schools will ensure that Principals can obtain advice on how to handle behavioural situations that may arise in their school.

Principals develop strategies to ensure appropriate behaviour expectations are understood within their school community. Principals are required to document the whole school approach to behaviour management in their school.

## Related Documents and/or Legislation

This Policy should be read in conjunction with:

- DOBCEL Attendance Policy
- DOBCEL Complaints Handling Policy and Procedures
- DOBCEL Duty of Care Policy
- DOBCEL: Behaviour Management Policies and Procedures
- DOBCEL Enrolment Policy
- DOBCEL Learning and Teaching Policy
- DOBCEL Pastoral Care and Wellbeing Policy
- DOBCEL Student Anti-Bullying and Harassment Policy and Procedure
- CECV Child Safety Commitment Statement
- Code of Conduct for Caring for Children - Professional Standards Catholic Diocese of Ballarat
- CECV Positive Behaviour Guidelines. [https://www.cecv.catholic.edu.au/getmedia/bc1d235d-9a98-4bb4-b3ac-84b50fa7c639/CECV-Positive-Behaviour-Guidelines\\_FINAL2.aspx?ext=.pdf](https://www.cecv.catholic.edu.au/getmedia/bc1d235d-9a98-4bb4-b3ac-84b50fa7c639/CECV-Positive-Behaviour-Guidelines_FINAL2.aspx?ext=.pdf)
- Privacy and Data Protection Act (Vic) 2014  
[http://www.austlii.edu.au/au/legis/vic/num\\_act/padpa201460o2014317/](http://www.austlii.edu.au/au/legis/vic/num_act/padpa201460o2014317/)