DIOCESE OF BALLARAT CATHOLIC EDUCATION LIMITED

Student Suspension, Negotiated Transfer and Expulsion Procedures

Document Number: 000299

St Alipius Parish School operates with the consent of the Bishop of the Catholic Diocese of Ballarat and is operated and governed by the Diocese of Ballarat Catholic Education Limited (DOBCEL).

Procedures

The Student Suspension, Negotiated Transfer and Expulsion Procedures outline processes for suspension, negotiated transfer and expulsion of students, and the associated appeal processes.

The purpose of these Procedures is to ensure that the school:

- comply with legislative and regulatory requirements when implementing suspension, negotiated transfer, and expulsion procedures
- are provided with clear, comprehensive, and accessible processes, tools and training for the suspension and expulsion of students
- are guided in managing DOBCEL's responsibility and obligation for all students' care, safety, and welfare
- are committed to fostering a positive culture and a safe and inclusive learning environment, which promotes positive student behaviour and relationships
- respond to inappropriate student behaviour in a manner that supports a whole school approach to behaviour expectations, the development of knowledge, skills, and capabilities.
- implement student behaviour management processes that are consistent with the school's vision and DOBCEL's Principles of Governance
- maintain a current register of student suspensions, negotiated transfer, and expulsions
- understand that all students have the right to feel safe and respected in an environment free from bullying and intimidation and have the right to be treated fairly and with dignity.

Context

Students at St Alipius Parish School present with diverse needs and require a range of supports, including behavioural support. The school is committed to fostering a positive culture and a safe and inclusive learning environment in schools. 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 is an important consideration in determining the reactions to and consequences of inappropriate behaviour.

Scope

These Procedures apply to all school staff, students, and their parents/carers/relevant persons.

Legislative Context

- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Child Safe Standards for Education Providers
- Disability Discrimination Act 1992 (Cth)
- Disability Standards for Education 2005 (Cth)
- Education and Training Reform Act 2006 (Vic)
- Education and Training Reform Regulations 2017
- Equal Opportunity Act 2010 (Vic)
- Ministerial Order 1125 – Procedures for Suspension and Expulsion of Students in Government Schools

Definitions

Refer to the *Student Suspension, Negotiated Transfer and Expulsion Policy and Procedures [DOBCEL]* for the list of definitions.

Suspension Procedures

Suspension is a serious disciplinary measure and is best reserved for incidents where other measures have not produced a satisfactory response. Alternative interventions and support for students should be considered prior to proceeding to suspension.

Authority to Suspend

- The Principal has the authority to approve a suspension that is for:
  - 3 days or fewer
  - an incident of such severity that the suspension must be implemented immediately
- The Executive Director (DOBCEL) approves any suspension that is for more than 3 days
- If the period of suspension is longer than the days left in the term, the Principal should consider the disruption to the students learning before imposing a suspension that will continue into the following term.

Grounds for Suspension

Before deciding to proceed with a suspension, the Principal must consider alternative interventions and support that can be provided to the student to address the reasons for the behaviour.
For suspension to be an option, the following conditions must be in place:

- the student's behaviour must have occurred:
  - whilst attending school
  - or travelling to or from school
  - or while engaged in any school activity away from the school
  - or travelling to or from any school activity
- the student's behaviour must meet one or more of the following conditions:
  - behaves in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety, or well-being of any person
  - causes significant damage to or destruction of property
  - commits or attempts to commit or is knowingly involved in the theft of property
  - possesses, uses, sells, or deliberately assists another person to possess, use or sell illicit substances or weapons
  - fails to comply with any clear and reasonable instruction of a staff member in posing a danger, whether actual, perceived or threatened, to the health, safety, or wellbeing of any person
  - consistently engages in behaviour that vilifies, defames, degrades, or humiliates another person.

Immediate Suspension

The Principal may issue a suspension with immediate effect where the student's behaviour is such that they are putting the health, safety and wellbeing of themselves, or any other person, at significant risk. In this instance, the Principal may expel the student while they are on suspension, subject to the procedures for expulsion being followed.

Establishing the Grounds for Suspension

ACTIVITY		RESPONSIBILITY	DETAILS
A	**Determine if suspension is an option**	School Principal	Assess if the student's behaviour meets the grounds for a suspension. Refer to Grounds for Suspension.
B	**Conduct a preliminary investigation**	School Principal	Ensure a thorough investigation is conducted by the appropriate staff member to establish: ▪ the nature of the behaviour ▪ the student who committed the behaviour ▪ the context in which it was committed, and ▪ any other relevant circumstances in relation to the incident or behaviour.
C	**Consider information provided by student or family**	School Principal	Before proceeding to a suspension, the Principal must ensure the following: ▪ that the student has had the opportunity to be heard ▪ when making the decision regarding a suspension consider the information or documentation provided by the student, or the relevant person.
D	**Approval of suspension of 3 days or fewer**	School Principal	Seek the approval of the Executive Director for any suspension of more than three days.
E	**Suspension with immediate effect**	School Principal	Implement a suspension with immediate effect if the severity of the situation warrants it. Refer to Immediate Suspension. Ensure the student is appropriately supervised until: ▪ the student is collected by a parent/carer, or parent's emergency contact person, or ▪ the end of the school day or activity if the parent/carer or emergency contact person is unable to collect them earlier. Contact and advise the Education Consultant and inform them of the immediate suspension before informing the Executive Director.

Implementing the Suspension

	ACTIVITY	RESPONSIBILITY	DETAILS
A	**Initial notification**	School Principal	Inform the student and their relevant person (via telephone or in person) of: ▪ the reason/s for suspension ▪ the school days on which the suspension shall occur; and ▪ where the suspension will occur. (e.g., in-school suspension)
B	**Supports for student and their relevant person**	School Principal	Provide contact details for additional support services to the student and the relevant person as appropriate.
C	**Suspensions of 3 days or fewer**	School Principal	Ensure a continuation of educational opportunity by providing the student with meaningful work, and monitor the completion of that work, until the period of suspension concludes. Seek the approval of the Executive Director for any suspension of more than three days.
D	**Notice of Suspension**	School Principal	Provide the student and their relevant person with a Notice of Suspension Letter, which must include: ▪ the reasons for the suspension ▪ the school days on which the suspension shall occur ▪ and copies of the Student Absence Learning Plan and Return to School Plan, if required ▪ a copy of the DOBCEL Information Sheet – Student Suspensions (Appendix F). Ensure that the format meets the communication needs of the student and relevant person. Provide the information in alternative formats when required.

Suspension Support and Follow Up

	ACTIVITY	RESPONSIBILITY	DETAILS
A	**Conduct a Program Support Group (PSG) meeting**	School Principal	Assess whether it is appropriate to convene a PSG meeting with the student, the relevant person, and any other adults or professionals involved in the care of the student. The purpose of such a meeting is to discuss: ▪ the student's behaviour that led to the suspension ▪ a range of strategies to address the concerns, and ▪ prevent further occurrences of such behaviour.

			Convene a meeting if one or more of the following circumstances apply: ▪ a student and/or their relevant person requests a meeting ▪ a student has a disability, is Aboriginal or Torres Strait Islander or is in out-of-home care ▪ there have been three or more suspensions in the school year ▪ the student has been suspended for the maximum 5 consecutive days. Refer to CECV Parent Guide to Program Support Groups
B	**Return to school meeting**	School Principal	A Return to School Meeting is designed to discuss support for the student to return to school. Items that may be discussed in the meeting include: ▪ The Student Absence Learning Plan and the schoolwork completed during the suspension ▪ strategies to help the student's educational, social, and emotional needs ▪ the responsibilities of the relevant person, the child, school staff, and other professionals to support these strategies.

Negotiated Transfer Procedures

Negotiated transfer occurs when:

- all other pastoral and discipline measures, including suspension, have failed to resolve an issue of serious inappropriate student behaviour. A negotiated transfer ends the enrolment agreement with St Alipius Parish School
- St Alipius Parish School is unable to meet the learning and social needs of a student and the issues are discussed and agreed to between the school, student, and parent/carers.

Authority to Negotiate a Transfer of a Student

A negotiated transfer of a student requires the approval of the Executive Director (DOBCEL).

Grounds for a Negotiated Transfer

For the negotiated transfer to be an option, the following conditions must be in place:

- The student's behaviour must have occurred:
  - whilst attending school
  - or travelling to or from school
  - or while engaged in any school activity away from the school
  - or travelling to or from any school activity.

The student's behaviour must meet one or more of the following:

- pose a danger, whether actual, perceived or threatened, to the health, safety, or well-being of any person
- causes significant damage to or destruction of property
- commits or attempts to commit or is knowingly involved in the theft of property
- possesses, uses, sells, or deliberately assists another person to possess, use or sell illicit substances or weapons
- fails to comply with any clear and reasonable instruction of a staff member in posing a danger, whether actual, perceived or threatened, to the health, safety, or wellbeing of any person
- vilifies, defames, degrades, or humiliates another person
- undertakes illegal activity.

The Principal can provide documented evidence of a history of suspension and the previous supports provided by the school to the student.

Establishing the Grounds for a Negotiated Transfer

	ACTIVITY	RESPONSIBILITY	DETAILS
A	**Determine if a negotiated transfer is an option**	School Principal	Assess if the student's behaviour meets the grounds for a negotiated transfer. Refer to Grounds for a Negotiated Transfer
B	**Conduct a preliminary investigation**	School Principal	Conduct a thorough investigation to establish: ▪ the nature of the behaviours ▪ the student who committed those behaviours ▪ the context in which the incidents were committed, and ▪ any other relevant circumstances in relation to the student's history of incidents or behaviours.
C	**Consider information provided by student or family**	School Principal	Ensure the following before proceeding to a negotiated transfer: ▪ that the student has had the opportunity to be heard ▪ that any information or documentation provided by the student, or the relevant person has been considered in making the decision.

Initiating a Negotiated Transfer

	ACTIVITY	RESPONSIBILITY	DETAILS
A	**Notify parents/carers/relevant persons**	School Principal	Notify the students' parents/carers/relevant persons to arrange a Behaviour Support and Intervention Meeting, to discuss the proposed negotiated transfer. Inform the Education Consultant if the student belongs to one or more the following cohorts: ▪ Aboriginal or Torres Strait Islander ▪ has a disability ▪ is from a CALD background ▪ lives in out-of-home care ▪ presents with mental health issues.
B	**Conduct meeting**	School Principal	During the meeting: ▪ advise the student and their parents/carers/relevant persons that they are considering a negotiated transfer. This notice

	ACTIVITY	RESPONSIBILITY	DETAILS
			must be confirmed in writing or by email within 24 hours ▪ outline the grounds for the negotiated transfer 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 parents/carers/relevant persons can be heard ▪ provide comprehensive advice to the student and parents/carers/relevant persons about the potential options and the benefits a negotiated transfer would provide ▪ seek agreement from the student and parents/carers/relevant persons for a negotiated transfer. If a negotiated transfer is desired to another DOBCEL school, the DOBCEL Education Consultant will provide assistance.
C	**Approval for Negotiated Transfer**	Executive Director	Review and approve the application for a negotiated transfer, forwarded by the Principal.
D	**Support for student and parents/carers/relevant persons**	School Principal	The school to provide the student/parents/carers/relevant persons access to counselling if requested.

Implementing a Negotiated Transfer

	ACTIVITY	RESPONSIBILITY	DETAILS
A	**Formal notification of a negotiated transfer**	School Principal	Provide the student and parents/carers/relevant persons with a Negotiated Transfer Notice Letter which must include: ▪ why a change to another setting is being proposed ▪ the school or other setting that would provide an educational program suited to the student's needs, abilities, and aspirations ▪ the date of the commencement of the transfer ▪ any additional considerations to support the transition ▪ Upload a copy of the Negotiated Transfer Notice Letter to SIMON: Social Behaviour Platform.
B	**If the student is beyond compulsory school**	School Principal	Provide the student and their parents/carers/relevant persons with information about suitable opportunities including:

	ACTIVITY	RESPONSIBILITY	DETAILS
	age (over seventeen (17) years age)		▪ other schools ▪ registered training organisations ▪ employment agencies Ensure that the student is engaged in a suitable educational or employment pathway.
C	**Interim**	School Principal	Provide the student with meaningful work, and monitor the completion of that work, until one of the options or suitable opportunities is confirmed. The student is to remain enrolled at their current school until the negotiated transfer process is completed unless the circumstances require expulsion.

Expulsions Procedures

When a behavioural incident constitutes grounds for an expulsion, the process must be transparent, fair, and supportive with appropriate checks and balances at each stage.

In the rare instance that a decision is made to expel a student, St Alipius Parish School will work closely with the student and parents/carers/relevant persons to ensure they are supported to transition successfully to a new educational setting as soon as possible.

Authority to Expel

Expulsion is considered only as a last resort and requires the approval of the Executive Director (DOBCEL).

Grounds for Expulsion

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

- behaves in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety, or wellbeing of any person
- causes significant damage to or destruction of property
- commits or attempts to commit or is knowingly involved in the theft of property
- possesses, uses, sells, or deliberately assists another person to possess, use or sell illicit substances or weapons
- 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
- consistently engages in behaviour that vilifies, defames, degrades, or humiliates another person
- consistently behaves in an unproductive manner that interferes with the well-being, safety, or educational opportunities of any other student
- undertakes illegal activity.

Students may be expelled after a thorough investigation of the incident/s has been conducted.
When a Principal determines that a serious criminal offence has occurred, the school needs to be mindful of all its duties of care, including those owed to students who are victims or offenders, and staff. The incident must be reported to the police at the earliest opportunity.

Behaviour Support and Intervention Meeting

	ACTIVITY	RESPONSIBILITY	DETAILS
A	**Determine if expulsion is the appropriate approach**	School Principal	Refer to the Grounds for Expulsion section of this document.
B	**Actions Prior to the Behaviour Support and Intervention Meeting**	School Principal	Ensure to: ▪ provide a student's parent/carer/relevant persons with a copy of the DOBCEL Information Sheet - Student Expulsion ▪ contact the student and their parent/carer/relevant persons 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 ▪ advise of the matters to be discussed at the Behaviour Support and Intervention Meeting, including the impact of key issues on the affected parties ▪ advise that if they do not attend the Behaviour Support and Intervention Meeting, the meeting may proceed in their absence and, if expulsion is decided, the course of action may be determined without the benefit of hearing from them ▪ determine whether the assistance of an interpreter in any language (including Auslan) is required by any person who is to attend and arrange for such assistance to be present at the meeting.
C	**Behaviour Support and Intervention Meeting**	School Principal	Convene a Behaviour Support and Intervention Meeting. The purpose of the Behaviour Support and Intervention Meeting is to: ▪ advise the student and their parents/carers/relevant persons that the Principal is considering the expulsion of the student ▪ ensure all available support and interventions for the student are considered ▪ 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 the student and their parents/carers/relevant persons are heard ▪ consider the impact of the behaviour of the student on other affected parties ▪ identify the future educational, training and/or employment options most suited to the student's needs and agree on a course of action in the event expulsion is decided.

ACTIVITY		RESPONSIBILITY	DETAILS
D	**Non-Attendance: Behaviour Support and Intervention Meeting**	School Principal	If the student and their parents/carers/relevant persons do not attend the Behaviour Support and Intervention Meeting, ensure that key points discussed at the meeting are recorded in writing and sent to the student and their parents/carers/relevant persons. Provide access to counselling for the student and/or their parents/carers/relevant persons with assistance from the DOBCEL Wellbeing Leader when requested.

Implementing Expulsion

ACTIVITY		RESPONSIBILITY	DETAILS
A	**Expulsion assessment**	School Principal	Prior to seeking the approval of the Executive Director to expel a student, ensure to: ▪ consider all the relevant matters properly, fairly and without bias, including the impact of the behaviour of the student on other affected parties ▪ consider the following to determine whether the expulsion is appropriate: · behaviour for which the student is being expelled · educational needs of the student · disability the student may have · the age of the student · the magnitude and impact of the student's actions ▪ adhered to the principles of procedural fairness.
B	**Approval of Expulsion**	Executive Director	Prior to the finalisation of an expulsion of a student, the Principal must seek the approval of the Executive Director within 24 hours of the Behaviour Support and Intervention Meeting.
C	**Notice of Expulsion**	School Principal	If the Executive Director decides to proceed with the approval of the expulsion of the student, the student and their parents/carers/relevant persons must be notified within 24 hours of the decision. The following documentation must be provided to the student and their parents/carers/relevant persons: ▪ Notice of Expulsion Letter which must state: · the ground/s for the expulsion · the reason/s for the expulsion · the date of the commencement of the expulsion.

ACTIVITY	RESPONSIBILITY	DETAILS
		▪ Expulsion of Students Appeal Form and Appeal Process Fact Sheet.

Grounds for Review

A student and/or their parents/carers/relevant persons have the right to request a review of a Principal's decision to expel the student (**Review**). A Review is limited to determining whether the Principal's decision is consistent with the terms of this Procedure (**Review Grounds**).

Reviewing an Expulsion Decision

	ACTIVITY	RESPONSIBILITY	DETAILS
A	**Lodging an expulsion review application**	Student Relevant persons Education Consultant	The student and their parents/carers/relevant persons must complete and deliver to the Education Consultant the Expulsion of Students Review Application Form (**Review Application Form**) within 10 business days of the student and their parents/carers/relevant persons receiving the Notice of Expulsion Letter. The Expulsion of Students Review Application Form can be downloaded from Knowledge Banks 'eSORT' and 'Policies and Procedures' folders or by contacting the Education Consultant.
B	**Notice of Review**	Education Consultant	Within 3 business days of receiving the Review Application Form, the Education Consultant must provide the Deputy Director: Catholic Education with the: ● Notice of Expulsion ● Expulsion Report ● Review Application Form ● Any other relevant documents and correspondence. (together the **Review Brief**)
C	**Initial Assessment**	Deputy Director: Catholic Education	The Deputy Director: Catholic Education must within 3 business days consider the Expulsion of Students Review Application Form and determine whether it is within the scope of the Review Grounds. ● If the Expulsion of Students Review Application Form does not meet the Review Grounds in whole, the Deputy Director: Catholic Education must contact the student and their parents/carers/relevant persons and inform them of their decision and a summary of their reasons for the decision. ● If the Expulsion of Students Review Application Form does not meet the Review Grounds in part, the Deputy Director: Catholic Education must contact the student and their parents/carers/relevant persons and inform them of their decision to exclude the parts of the Expulsion of Students Review Application Form that are outside the scope of the Grounds of Review and a summary of their reasons for the decision.

	ACTIVITY	RESPONSIBILITY	DETAILS
			• If the Expulsion of Students Review Application Form meets the Review Ground in whole or part, the Deputy Director: Catholic Education must inform the student and their parents/carers/relevant persons that an external reviewer will be appointed to independently assess the process and provide a recommendation to the Executive Director: Catholic Education about the expulsion.

D	**External Review Process**	Deputy Director: Catholic Education
		External Reviewer
			The External Reviewer must:
			• be provided with the Review Brief
			• provide an opportunity for the student and their parents/carers/relevant persons to be able to make any further submissions in writing within 5 business days of the appointment of the External Consultant;
			• provide an outcome report outlining the relevant facts and considerations and making a recommendation to the Executive Director.
			  • uphold the decision made by the Principal; or
			  • overturn the decision made by the Principal
			(**Review Outcome Report**)
			• So far is reasonably practicable provide the Outcome Report within 10 business days of receiving the Review Brief or any further submissions made by the student and their parents/carers/relevant persons, whichever is the later.

D	**Final Decision**	Executive Director	The Executive Director will make a final decision as to whether to accept the recommendation in the Review Outcome Report within 3 business days of receiving the Review Outcome Report (**Final Decision**).

Communication of the Review Outcome

Within 2 business days of the Final Decision the Executive Director will also provide written notification to the student, their parents/carers/relevant persons and the Principal of the determination made and provide a summary of findings based on the information in the Review Outcome Report
If the original decision to expel the student is overturned, the Principal will ensure that the following actions are implemented as soon as possible:

- the student is re-enrolled in the school
- the Principal works with the student, their parents/carers/relevant persons, and the student's teacher/s to develop a Return to School Plan [Expulsion of Students]
- the record of expulsion is removed from the student's permanent record
- the student and their parents/carers/relevant persons are notified in writing that the expulsion has been removed from the student's record.

Supporting Documentation

Forms, templates, and internal documents listed below are available to download from the Knowledge Banks, 'eSORT' and 'Policies and Procedures' folders**.**

Forms and Templates

Suspensions
Checklist for Suspension of Students [DOBCEL Template]
Notice of Suspension Letter [School Template]
Return to School Plan (Suspension of Students) [School Template
Student Absence Learning Plan [School Template]
Student Suspension Information Sheet [DOBCEL]

Negotiated Transfer
Checklist for Negotiated Transfer [DOBCEL Template]
Negotiated Transfer Notice Letter
Student Negotiated Transfer Information Sheet - [DOBCEL Template]

Expulsions
Checklist for Expulsion of Students [DOBCEL Template]
Expulsion of Students Appeal Form & Information [DOBCEL Template]
Expulsion of Students Report
Notice of Expulsion Letter
Return to School Plan (Expulsion of Students) [School Template]
Student Expulsion Information Sheet - Student Expulsion [DOBCEL Template]

Internal

Student Behaviour Management Policy and Procedures [DOBCEL]
Duty of Care Policy [School]
Duty of Care Statement [DOBCEL]
Enrolment Procedures [DOBCEL]
Privacy Policy [DOBCEL]

Catholic Education Commission of Victoria (CECV) Resources

Guidelines for Koorie Education Worker in Victorian Catholic Schools
Out of Home Care Education Commitment
Parent Guide to Program Support Groups
Personal Care Support in Schools

Related Links

Schools and Regional Services (Vic)
Secretary to the Department of Education
Nationally Consistent Collection of Data on School Students with Disability
Program for Students with Disabilities
Victorian Equal Opportunity and Human Rights Commission
LOOKOUT Centre Handbook

DOBCEL Principles of Governance

All DOBCEL policies are founded on and reflect the Principles of Governance stated in the Document:
DOBCEL Principles of Governance

Principal	
Approval Date	

Policy Owner	Deputy Director: Catholic Education
Policy Editor	Team Leader: Wellbeing
Assigned Board Committee	Children and Young People Wellbeing and Safeguarding
Approval Date	22 January 2024
Review Date	22 January 2027