SUSPENSION AND EXPULSION POLICY

Policy Classification

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Policy Approval:
This Policy was approved by the Senior Leadership Team in July 2017

This Policy supersedes all previous policies relating to matters herein
1.0 RATIONALE

1.1 As a registered and accredited school in NSW it is essential to ensure compliance with the NSW Educational Standards Authority (NESA Registered and Accredited Individual Non-Government Schools NSW Manual – March 2017, Page 33, Section 3.6) that schools provide a safe environment where the risk of harm is minimised, students feel secure and that student welfare policies include effective discipline.

1.2 The Education Act requires that policies related to the discipline of students be based on procedural fairness. It is the responsibility of the school to determine incidents that may require disciplinary action and the nature of any penalties that may apply. (NESA Registered and Accredited Individual Non-Government Schools NSW Manual – March 2017, Page 37, Section 3.7)

1.3 As a registered and accredited school in NSW it is essential to ensure compliance with the NESA that the College must have in place and implement policies related to the discipline of students, including but not limited to the suspension and expulsion of students that are based on procedural fairness. (NESA Registered and Accredited Individual Non-Government Schools (NSW) Manual – March 2017, Page 36, Section 3.7)

2.0 GUIDING PRINCIPLES

2.1 Serious student misconduct challenges the school to demonstrate a commitment to the welfare, rights and wellbeing of all its members and at the same time to be responsive to the welfare rights and special needs of the student presenting the misconduct.

2.2 This policy aims to ensure that serious misconduct is managed in a Lasallian spirit, preserving the dignity of individuals and promoting the integrity of fair process.

"Children must be corrected and reproved justice and they must be done, to understand the correction which their fault deserves."

(St John Baptist De La Salle – the Founder)

2.3 In establishing the truth of a situation, the College is firmly committed to the principle of procedural fairness, which involves two key elements:

2.3.1 The ‘hearing rule’
2.3.2 The ‘right to an unbiased decision’

2.4 The College’s student management model for serious misconduct incorporates three steps:

2.4.1 Education – a student completes a series of written reflective activities which are designed to help them understand how their actions have adversely affected others and to guide them towards more positive behavioural choices.

2.4.2 Restoration – a student is provided opportunity to put something back into the school community through direct action - community service or jobs around the school grounds which will benefit others.
2.4.3 Mediation – a structured forum is organised so that a student can meet with those who have been adversely affected by their actions. This will usually involve a recognition of any hurt caused, an apology to heal damaged relationships and a personal assurance that the misconduct will not repeat.

3.0 POLICY

3.1 Management Sequence

3.1.1 The Principal or, in the absence of the Principal, his / her delegate reserves the right to suspend immediately any student who is:

3.1.1.1 In possession of an illegal drug.
3.1.1.2 Violent or threatens serious violence.
3.1.1.3 In possession of a prohibited weapon.

3.1.2 Misconduct which may also result in the suspension of a student involves a serious breach of the College Safe School Rules. Examples include fighting, stealing, bullying, possession of a banned item, disrespect for a member of staff, dangerous or threatening behaviours, breach of the College cyber-safety policy or bringing the College into disrepute.

3.1.3 A referral is made to Assistant Principal–Pastoral Care or Student Coordinators.

3.1.4 Student involved may be isolated.

3.1.5 Student may write an incident report (where deemed appropriate).

3.1.6 Student meets with the Assistant Principal – Pastoral Care and / or Student Coordinator to confirm precise details of their misconduct. The student has the right to procedural fairness including the ‘hearing rule’ and the ‘right to an unbiased decision’. The student also has the right to speak with another member of the Pastoral Care or Counselling team following this meeting (in some circumstances it may be deemed appropriate to also have a witness or support person present).

3.1.7 Parents are contacted (same day is preferable) to inform them of the incident and organise an interview time. A parent has the right to bring a support person if desired and the College will organise an interpreter service if required.

3.1.8 Student is withdrawn from classes until the parent interview (designated ‘time out’ area) – counselling is made available to the student.

3.1.9 In some circumstances where it is deemed to be in the best interests of the student or other students it may be necessary for a student to be removed from the College grounds immediately. This may be considered a ‘time out’ situation rather than a suspension. In this situation, parent contact will be made by the College to arrange the collection of the student.

3.1.10 Parent and Student interview with combinations of the following present:

- Deputy Principal or Assistant Principal Pastoral Care
- Student Coordinator
- Dean
- Counsellor (may act as a support for the student)
3.1.11 Where feasible it is preferred that different personnel carry out the investigation and decision-making. The review mechanism adds to the fairness of the process.

3.1.12 Disciplinary consequences must be procedurally fair, be just and be seen to be just.

3.1.13 Notification of suspension should be given to parents in writing where possible.

3.1.14 All documentation related to reporting, investigation and decision-making is to be kept in the students file and the file kept as required by College and State law. All such documents are to be clearly dated and signed by the person collecting or writing the document(s). In addition:

- Parents are to receive photocopied or scanned copies of their children's original statements
- Handwritten statements ought not be retyped unless an absolute necessity and all originals are to be kept by the College
- Where for privacy reasons names or other content needs to be redacted, the original is to be preserved, a copy made, that copy redacted, and a copy of the redacted version given to parents

3.1.15 A chronological procedural checklist is to be maintained for each case based on the procedures outlined in this policy, in particular the sequence outlined in Section 3.

3.2 Possible Outcomes of Interview

3.2.1 Short Term (less than 3 days) Suspension from school

Depending on the circumstances (for example type of misconduct, age of student, family environment) this may take the form (at the College’s discretion) of either a;

3.2.2 In-school Suspension

Student works in isolation at school in designated area. This may be followed by community service or Saturday detention and a Level demotion

3.2.3 At-Home Suspension

Student stays at home and completes reflective booklet / relevant school work – to be presented on return to school. This may be followed by community service or Saturday detention and a Level demotion

3.2.4 Long Term (beyond 3 days) Suspension from School

A student may be given a long-term suspension, beyond 3 days at the discretion of the Principal.

3.2.5 Time out from school

Time out may apply to a student who is experiencing mental health issues such as self-harm or suicidal tendencies. A psychological assessment is required by a qualified medical practitioner before the student returns to school.

3.3 Management Responsibilities

3.3.1 The following people of responsibility may authorise a student’s suspension from school:

- Principal
- Deputy Principal
- Assistant Principals
- Student Coordinators’ or Deans’ with the authorisation of the Assistant Principals’ Deputy Principal or Principal.
3.3.2 The suspension of a student from school should be done in a consultative manner, involving input from relevant members of the Pastoral Care team. Ongoing management of the situation will be coordinated by the relevant Student Coordinator or Dean. A Student Coordinator may need to withdraw a student from class in a ‘time out’ capacity until such time that further investigation and/or consultation can occur.

3.3.3 The Student Coordinator or Assistant Principal - Pastoral Care enters relevant details into the student’s conduct record on Sentral (College intranet) and informs the relevant Dean of the ongoing management plan.

3.3.4 The Assistant Principal - Pastoral Care or Student Coordinator enters the student’s absence on Sentral (College Intranet).

3.3.5 Once a decision has been made to suspend a student from school, the following people should be notified promptly:

- The Student’s Dean.
- The Head of Sport and or the relevant co-curricular teacher (if the student will miss a sporting or co-curricular commitment whilst on suspension).
- Academic Heads (if an assessment task or excursion is to be affected by a student’s suspension appropriate arrangements should be made prior to the student commencing the suspension where possible).
- The Clerical Officer responsible for recording student attendance.
- The Dean will inform the student’s homeroom teacher for attendance marking purposes.

3.3.6 At times confidentiality of a student being suspended is required or should be considered. The Principal and/or the Assistant Principal – Pastoral Care may use their discretion as to who is informed of a student’s suspension from school.

3.3 Conditions of Suspension from School

3.4.1 The College is not responsible for the supervision of a student who is on suspension from school. All set work, including the booklet of reflective activities, should be completed and presented to the Assistant Principal – Pastoral Care or the relevant Student Coordinator for inspection before a student can return to classes.

3.4.2 A student may not be permitted on College grounds (including after hours) during the period of suspension.

3.4.3 A student may not be permitted to represent the College in sporting or other extra-curricular activities during the period of suspension at the discretion of the Principal.

3.5 Termination of Enrolment

3.5.1 In extreme circumstances, the Principal may decide to terminate a student's enrolment from the College. This may result from a single
serious breach of College rules or following an ongoing management process aligned with the College Level System.

3.5.2 A student at Level 7 who continues to demonstrate unacceptable standards of conduct will be referred to the Principal. The Principal may decide that the student’s enrolment will be terminated.

3.5.3 A decision to terminate a student's enrolment can only be made by the Principal or in the absence of the Principal, the Acting Principal.

3.5.4 In cases where consideration is being given to recommending a termination of enrolment from Oakhill College the gravity of the circumstances requires that particular emphasis be given to all aspects of procedural fairness.

3.5.5 When recommending a termination of enrolment from Oakhill College, where relevant and appropriate, the Principal or the Principal’s delegate should:

3.5.5.1 Place the student on suspension pending the outcome of the decision making process. This action should be taken irrespective of any action by another agency, including the NSW Police Service.

3.5.5.2 Notify the student and the parents or caregiver that a termination from Oakhill College is being considered, giving reasons for the possible action and allowing seven school days for the student, parents or caregiver to respond.

3.5.5.3 Provide the parents or caregiver with a copy of all the documentation on which the recommendation to terminate enrolment is based (taking account of the need to protect the anonymity or personal information about/from complainants and/or witnesses).

3.5.5.4 Consider any response from the student and parents or caregiver before proceeding further.

3.5.5.5 Provide with reasonable notice, the student and parents or caregiver, the opportunity to attend a formal interview with the Principal.

3.5.5.6 Provide the parents or caregiver with information on the implications of this action, their rights to an appeal and the appropriate procedures for submitting an appeal.

3.5.6 Parents can appeal the termination of the enrolment of their son or daughter by writing to the Chair of the College Board.

3.6 A procedural checklist for termination of a student's enrolment:

3.6.1 Consultation and decision from Principal to terminate a student’s enrolment

3.6.2 Meeting with parents – Principal and / or Deputy Principal and / or Assistant Principal – Pastoral Care

3.6.3 At the meeting offers may be made for: counselling support and/or careers guidance at a later time to be organised;

3.6.4 Sign out form completed – if appropriate to the situation – to be passed on to Registrar following the meeting

3.6.5 Organise the return of any school resources in the student’s possession

3.6.6 Feedback to Principal following meeting (if Principal is not present)

3.6.7 Principal – informs Registrar and Bursar
3.6.8 Letter to confirm termination of enrolment sent home from Principal – copy to Registrar
3.6.9 Email from Registrar to all teachers of the student, relevant administration staff and curriculum office
3.6.10 Follow-up call to parents two weeks later to determine the child’s new education, training /employment status (if the student is not yet 17 years old)

4.0 POLICY REVIEW

4.1 The Principal is to ensure that this Policy is regularly monitored and revised to ensure procedural fairness and that other requirements of the Education Act are maintained.

5.0 EXPLANATORY NOTES AND DEFINITIONS

5.1 Suspension: is a temporary removal of a student from the school community for a specified period of time. This may take the form of a
5.1.1 In-school suspension: a student is internally withdrawn from classes and interaction with other students as a disciplinary action
5.1.2 At home suspension: a student is externally withdrawn from classes and interaction with other students as a disciplinary action
5.2 ‘Time out’: a student may be asked to go home to provide ‘space’ for them to calm down and regain perspective; to ensure the safety or wellbeing of a student; or to provide an opportunity for our Pastoral Care team to manage a sensitive situation – this would not be classified as a suspension from school.
5.3 Expulsion: is the permanent removal of a student from the College.
5.4 Exclusion: is the act of preventing a student’s admission to another school. In extreme circumstances, the Principal of a school may make a submission to an appropriate authority, or to other schools, recommending the permanent exclusion of a student from the registration system of which the school is a member, or from other schools.
5.5 Procedural Fairness: is a basic right of all when dealing with authorities. Procedural fairness includes making available to students and parents or caregivers the policies and procedures under which disciplinary action is taken. It also includes providing details of an allegation relating to a specific matter or incident. This will usually involve providing an outline of the allegations made in witness statements and consideration of witness protection. As part of ensuring the right to be heard and understood, parents / caregivers should be provided with interpreter services if required.
5.6 The ‘Hearing Rule’ includes the right of the person whom an allegation has been made to
5.6.1 Know the allegations related to a specific matter and any other information which will be taken into account in considering the matter.
5.6.2 Know the process by which the matter will be considered.
5.6.3 Respond to the allegations.
5.6.4 Know how to seek a review of the decision made in response to the allegation.
5.7 The “Right to an Unbiased Decision” includes the right to:
5.7.1 Impartiality in an investigation and decision making.
5.7.2 An absence of bias by a decision-maker.
6.0 SUPPORTING DOCUMENTS, PROCEDURES AND GUIDELINES

6.1 NESA Registered and Accredited Individual Non-Government Schools NSW Manual, March 2017 (Pages 33-37)
6.2 Oakhill College Enrolment Policy
6.3 Oakhill College Safe School Policy
6.4 College Student Diary
6.5 Withdrawal from Class – Student Schedule (proforma)
6.6 Level System (Student Diary)
6.7 Standard Suspension Letter (proforma)
6.8 Oakhill College Rights and Responsibilities
6.9 Student Self – Reflection Booklet