



A Co-educational Christian Day and Boarding School

## Detention, Suspension & Expulsion of School Students

### PROCEDURES

February 2022

#### 1. INTRODUCTION

- 1.1 All students and staff have the right to be treated fairly and with dignity in an environment free from disruption, intimidation, harassment and discrimination. To achieve this, the College will maintain high standards of student behaviour.
- 1.2 There will be cases of unacceptable behaviour where it will be in the best interests of our College community and/or the student involved, for the student to be removed from the school for a period of time, or completely. Detention, suspension and discontinued enrolment (expulsion) are the options available to the principal in these situations.
- 1.3 Collaboration between College staff, students and parents is an important feature of discipline in schools. All parties should be fully aware of the detention, suspension and expulsion procedures and their place in the context of the College's student wellbeing and discipline policies.

#### 2. APPLICABILITY

- 2.1 These Procedures apply to the behaviour of students at the College, on the way to and from the College and while away from the College site on College-endorsed activities. The procedures apply to Day and Boarding students. They can also apply outside of College hours and off College premises where there is a clear and close connection between the College 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 of the College.
- 2.2 While a number of policies may apply to the circumstances or behaviour being considered in the context of a suspension or expulsion, these Procedures take precedence.
- 2.3 These Guidelines are designed to act as a guidance for the College to consider in relation to any disciplinary matter. Notwithstanding this, these Guidelines are not binding on the College, and the principal, in their absolute discretion, may choose to treat each disciplinary matter on a case-by-case basis and take any action they consider to be reasonable in the circumstances, ensuring that procedural fairness is afforded to all parties involved. This may not align with these Guidelines, and this will not constitute a breach of these Guidelines.

#### 3. DISCIPLINE PRINCIPLES

##### 3.1 Equal opportunity

- 3.1.1 In implementing these procedures, the principal will ensure that the College complies with its legal obligations under applicable discrimination legislation and that no student is unlawfully discriminated against on any of the following grounds:

- Race;
- Sex;
- Disability;
- Homosexuality;
- Sexual orientation;
- Gender identity;
- Intersex status;
- Transgender status;
- Age;
- Pregnancy;
- Responsibilities as a carer; and
- Family responsibilities.

**3.1.2** The principal will ensure that the implementation of these procedures takes into account factors such as the age, individual needs, any disability, and developmental level of students.

**3.1.3** When dealing with a student living with a disability consideration will be given to all applicable legislation, including the *Disability Discrimination Act 1992* (Cth), the Disability Standards for Education 2005 and the *Anti-Discrimination Act 1977* (NSW). These require, among other things, that reasonable adjustments to be considered to support students living with a disability to access and participate in education on the same basis as other students.

**3.1.4** The College will ensure that in meetings with College personnel, where communication difficulties arise due to a lack of understanding of English, parents have access to the use of an on-site or telephone interpreter and receive translated letters notifying of detention, suspension or expulsion. Consideration may also need to be given to cultural issues and the intellectual capacity of the parent to understand what is occurring and what is being said.

**3.1.5** Should parents require a support person in order to participate fully in the disciplinary process, a person acceptable to both the parents and the principal may be involved, e.g. a member of the local Aboriginal Education Consultative Group or an interagency support worker. Consideration must be given to any adjustment that may be required for a parent with a disability to participate in the meeting. The responsibility for organising a support person rests with the student or parents.

## **3.2 Health and Safety**

**3.2.1** The principal will ensure, as per the Workplace Health & Safety Act (2011) that the safety of all students and staff is considered in relation to the implementation of these procedures.

**3.2.2** If the behaviour that has resulted in consideration being given to the suspension or expulsion of a student may represent a risk to the student himself or herself, other students or staff (for example the incident relates to violent behaviour), the principal must ensure that steps are taken to assess that risk and develop any strategies consistent with College policies. This process should be commenced at the same time that any disciplinary action commences.

## **3.3 Procedural Fairness**

**3.3.1** The principal will exercise authority in relation to discipline having regard to their responsibilities to the whole College community and in line with the principles of procedural fairness.

**3.3.2** The principles of procedural fairness are fundamental to the implementation of these procedures.

- 3.3.3** Procedural fairness is generally recognised as having two essential elements. These are the right:
- to be heard, and
  - to a fair and impartial decision.

### **3.4 Regulators / Authorities**

- 3.4.1** Where a serious disciplinary matter arises and the principal is considering suspension or expulsion of a student, the action will be taken irrespective of any action which may be taken by another agency, including the NSW Police. Where the NSW Police is involved in a case where the principal is considering suspension or expulsion, the principal will liaise with NSW Police to ensure any potential police investigation is not compromised.
- 3.4.2** In matters involving child protection issues, the principal will refer to the College's Child Protection Policy and be guided by advice provided by Family and Community Services or the NSW Police Force. As part of this process, the principal will consider whether the incident gives rise to a requirement to make a mandatory report.

### **3.5 Record keeping**

- 3.5.1** The principal will ensure that records are made and retained of any action taken in relation to the implementation of these procedures.

## **4. DETENTION**

**4.1** Detention refers to withdrawing a student from their normal school activity/lesson for timeout in another location within the College.

**4.2** A student may be placed on detention for unacceptable behaviours such as:

- 4.2.1** disruptive behaviour during lessons;
- 4.2.2** disrespectful behaviour towards staff;
- 4.2.3** use of inappropriate language; and/or
- 4.2.4** failure to follow instructions
- 4.2.5** Failure to wear incorrect uniform

**4.3** Should a student be placed on detention, parents will be notified by phone or email and the matter recorded on TASS.

**4.4** Whilst on detention, students will be given work to be completed.

**4.5** On completion of detention, the student will be required to engage in a restorative conversation with relevant staff and students who may have been involved in the matter.

## **5. SUSPENSION**

### **5.1 Purpose**

- 5.1.1** Suspension is not intended as a punishment. It is only one strategy for managing inappropriate behaviour within our College's student wellbeing and discipline policies. It is most effective when it highlights the parents' responsibility for taking an active role, in partnership with the College, to modify the inappropriate behaviour of their child. The College will work with parents with a view to assisting a suspended student to re-join the College community as quickly as possible.

**5.1.2** Suspension also allows time for College personnel to plan appropriate support for the student to assist with successful re-entry. This may include access to appropriate support staff such as a learning and support teacher or an Aboriginal community liaison officer. In some cases, suspension from the College allows the College time to put measures in place to ensure the safety of students and staff. For the majority of students, suspension allows time for the student to reflect on their behaviour, to acknowledge and accept responsibility for the behaviours which led to the suspension, and to accept responsibility for changing their behaviour to meet the College's expectations in the future.

## **5.2 Determination**

**5.2.1** The decision to suspend must be taken by the principal, or in the principal's absence, the person performing the principal's role (deputy principal).

**5.2.2** In relation to suspension processes, the principal will also be guided, but not bound, by the document Responding to Student Needs which articulates the steps towards suspension.

**5.2.3** In determining whether a student's misbehaviour is serious enough to warrant suspension, the principal will consider the safety, care and welfare of the student, staff and other students.

**5.2.4** A formal disciplinary interview will be held with the student prior to making the decision to impose a suspension. The principal will ensure that the student is given explicit information about the nature of the allegation(s) and is given the opportunity to consider and respond to the allegation(s). The key features of the interview must be taken down in writing.

**5.2.5** Before a suspension is imposed, the principal will:

- ensure that appropriate personalised learning and support strategies and discipline options have been applied and documented;
- ensure that appropriate support personnel available within the school system and externally have been involved;
- ensure that discussion has occurred with the student and parents regarding specific misbehaviour which the school considers unacceptable and which may lead to suspension;
- develop, in conjunction with the school learning support team specific personalised learning and support to assist the student to manage inappropriate behaviour;
- provide a formal written notice detailing inappropriate behaviours, as well as clear expectations of what is required of the student in future; and
- record all action taken.

**5.2.6** In some circumstances the principal may determine that a student should be suspended immediately. This will usually be due, but not limited, to reasons such as the safety of students or staff. For example, the principal will suspend immediately any student who:

- is physically violent;
- is in possession of a firearm or prohibited weapon;
- uses, supplies, or is in possession of, a suspected illegal substance or supplies a restricted substance;
- engages in criminal behaviour related to the College.

**5.2.7** Based on the behaviour, the principal will determine whether to suspend the student for either:

- a short suspension (up to 3 days); or
- a long suspension (up to 5 days).

**5.2.8** The principal will ensure that the suspension is recorded in TASS and that all relevant documentation is retained on a file at the school.

**5.2.9** A student may be suspended from the Boarding House but still be permitted to attend Day School. It is the responsibility of the parent/caregiver to organise accommodation in this instance, the College does not provide or seek alternative accommodation for students. If a student is suspended from the Day School, they are not permitted to remain in residence at the Boarding House.

### **5.3 Notification**

**5.3.1** A student will not be sent out of the College 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 will ensure that adequate supervision is provided for that student at the College until those arrangements are made.

**5.3.2** If there is concern around the behaviour and conduct of a student between notification of suspension and collection of the student by parents the suspension may be reviewed and a further consequence may be applied.

**5.3.3** Notification of suspension must be made to the parents in writing within 24 hours following immediate verbal notification. Reasonable steps will be taken to ensure that the notification is delivered, if necessary in an alternative form. This may apply when parents have difficulty reading or understanding English due to cultural factors and/or disability.

**5.3.4** In all cases, the notification will include:

- notice of the suspension;
- the date and probable duration of the suspension;
- the category and specific reasons for the suspension;
- the clear expectation that the student will continue with studies while suspended and, in the case of a long suspension, that a study program will be provided;
- the importance of parents cooperatively working with the school in resolving the matter;
- Scheduling of a Return to School meeting with Principal, Deputy Principal (Students) and Parents
- parents' responsibility for the care and safety of the student while under suspension, and the clear expectation that the student should not be on College grounds without the prior permission of the principal; and
- information concerning appeal rights and other appropriate government or community agencies available to provide assistance where necessary.

**5.3.5** When a student is subject to special transport arrangements, the provider of the transport should be notified of the suspension by the principal following notification to the parents.

**5.3.6** At the time of the suspension or expulsion notification, parents will be provided with the abridged version of this document, as well as the school's discipline policy and information about appeal rights.

#### **5.4 Following initial suspension**

**5.4.1** A Return to School meeting will be convened by the principal at the earliest opportunity. The principal in conjunction with the parents should utilise available resources in seeking a means of assisting the student to modify his or her behaviour. The use of such resources should be discussed in the meeting. Relevant staff should be notified of the suspension. Restorative meetings may be required with additional staff involved in the issues leading to suspension.

**5.4.2** The Deputy Principal (Students) and Care Group Teacher(s) will monitor re-entry for a specified period and provide support to the student. At the end of the monitoring period the Deputy Principal (Students) and Care Group Teacher(s) and the student will meet to review progress.

**5.4.3** Where a student is returning from suspension following an incident that involved violence or weapons, the principal will undertake a risk assessment in order to assess whether the return of the student will pose a risk to staff, students or other persons. This should be completed before the final day for resolution of the suspension.

If learning and support strategies and suspensions have failed to resolve the issue of inappropriate behaviour, strategies such as further suspensions or alternative educational programs will be considered. Each case will be different and the action needs to be appropriate to the individual circumstances of the case. Alternative educational programs which could be considered for the student should be discussed with the learning and engagement officer. Any such programs must have been approved in accordance with College policy.

**5.4.4** If, after a five day suspension, the matter has not been resolved the student may be placed on a monthly enrolment contract where it is expected that the student display evidence of the Positive Behaviour Framework.

### **6. DISCONTINUED ENROLMENT (EXPULSION)**

#### **6.1 General**

**6.1.1** In serious circumstances of misbehaviour, the principal may discontinue enrolment (expel) a student of any age from their school. The principal may also discontinue enrolment (expel) a student who is over 17 years of age for unsatisfactory participation in learning.

#### **6.2 Determination**

**6.2.1** When considering expelling a student for misbehaviour, the principal must:

- ensure, except as a result of a most serious incident, that all appropriate learning and support strategies have been implemented and documented;
- convene a formal disciplinary interview with the student. The principal must ensure that the student is given explicit information about the nature of the allegation(s) and is given the opportunity to consider and respond to the

allegation(s). The student must also be able to have an appropriate support person of their choosing present at the interview. For students with certain disabilities it may be advisable to have a parent present at the meeting. The key features of the interview should be taken down in writing;

- place the student on a long suspension pending the outcome of the decision making process (refer to the sections above). This action should be taken irrespective of any action by another agency, including NSW Police;
- notify the student and the parents, in writing, that expulsion from the school is being considered, giving reasons for the possible action;
- obtain and consider a school counsellor report that includes recommendations for further action;
- provide the parents with a copy of all documentation on which the consideration of expulsion is based;
- consider any response from the student and parents before proceeding further; and
- discuss with the student and the parents the implications of expulsion and provide information relating to the right to, and process for, an appeal (if the expulsion were to proceed). This could be done by telephone or in a meeting.

### **6.3 Notification**

- 6.3.1** If, having completed the actions outlined above, the principal decides to discontinue enrolment (expel) a student from the College, the principal will advise the Board Chair prior to providing formal notification to the student and the parents.

The principal will then inform the student and the parents in writing. This formal advice should also restate the right to appeal the decision.

## **7. Appeal**

**7.1** Students and parents may appeal a suspension or discontinue of enrolment (expel) decision if they consider that an unfair decision has been reached.

**7.2** Appeals should be in writing, stating the grounds on which the appeal is being made.

**7.3** Appeals can be made to the Chair of the College's Board about the imposition of a suspension or a decision to discontinue enrolment. The Chair may delegate the management of an appeal to an appropriate officer. In all cases, however, the Chair must make the determination.

**7.4** The Board Chair will:

- 7.4.1** deal with the appeal within 20 school days of its lodgement;
- 7.4.2** ensure that communication lines are maintained with the person(s) making the appeal and that they are kept aware of the progress of the appeal;
- 7.4.3** review all relevant material;
- 7.4.4** ensure that appropriate material has been made available to the student and his or her parents; and

**7.4.5** discuss relevant issues with the person(s) making the appeal and any other parties, as appropriate advise all the parties of the decision and the specific reasons for reaching the decision.

**7.5** Where an appeal or a component of an appeal is upheld, the Chair will recommend to the College Board what further action is to be taken. Further action will be determined by the findings of the appeal, but will normally include systems improvement to College processes to ensure the requirements of the procedures are appropriately implemented in the future, or an annotation to the College's record of suspension and the student's record indicating the findings of the appeal.

**7.6** The fact that an appeal has been lodged does not put on hold the principal's decision to suspend, or suspend prior to, expulsion from the College.