



## Suspension and Expulsion Policy

Policy Classification		
Policy Number: 20/2016	Date of Origin: February 2010	By Whom & Position: Ms D Gillis AP – Pastoral Care
Policy Audience: Public Domain	Review Dates: Feb 2016 July 2017 Feb 2018 July 2019 March 2020	Next Review Date: 2022
<b>Policy Approval:</b> This Policy was approved by the Board in March 2020		
This Policy supersedes all previous policies relating to matters herein		
This policy is in accord with the Safeguarding Standards of Catholic Professional Standards Ltd which align with the National Principles of Child Safe Organizations.		

## 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 – January 2019, Page 35, 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 – January 2019, Page 39, Section 3.7)
- 1.3 As a registered and accredited school in NSW it is essential to ensure compliance with NESA. 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 – January 2019, Page 39, 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 reproof 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 use of corporal punishment is banned at Oakhill College.
- 2.5 The College’s student management model for serious misconduct incorporates three steps:
  - 2.5.1 education – a student completes 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;
  - 2.5.2 restoration – a student may be offered an opportunity to put something back into the school community through direct action - community service or jobs around the school grounds which will benefit others;
  - 2.5.3 mediation – a structured forum may be offered 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, his / her delegate reserves the right to suspend immediately any student who is:

- 3.1.1.1 in possession of an illegal substance;
- 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 involved in 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 Heads of School.
- 3.1.4 Student/s involved will be isolated.
- 3.1.5 Student/s will write a detailed incident report.
- 3.1.6 Student/s meets with the Assistant Principal – Pastoral Care and / or Heads of School to confirm precise details of their misconduct.
- 3.1.7 The student/s has the right to procedural fairness including the ‘hearing rule’ and the ‘right to an unbiased decision’.
- 3.1.8 The student/s 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).
- 3.1.9 Parents are contacted on the day to inform them of the incident, the subsequent processes and to 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.
- 3.1.10 The student is withdrawn from classes until a resolution is reached – counselling is made available to the student.
- 3.1.11 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.
- 3.1.12 Parent and Student interview with combinations of the following present:
  - a) Deputy Principal or Assistant Principal-Pastoral Care;
  - b) Head of School;
  - c) Dean;
  - d) Counsellor (may act as a support for the student)
- 3.1.13 Disciplinary consequences must be procedurally fair, be just and be seen to be just.
- 3.1.14 Notification of suspension should be given to parents in writing where possible, if not, parents will be notified by phone and documentation forwarded with 24 hours.
- 3.1.15 All documentation related to reporting, investigation and decision making is to be kept in the students record and the record 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:
  - a) Parents may request photocopied or scanned copies of their child’s original statements.
  - b) Handwritten statements ought not be retyped unless an absolute necessity and all originals are to be kept by the College.
  - c) 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.
- 3.1.16 In the instances outlined in 3.1.1 a chronological procedural report will be maintained.

## 3.2 Possible Outcomes of the investigation into the incident.

- 3.2.1 In-school Suspension  
Student works in isolation at school in designated area and may receive a Saturday detention and/or a Level demotion.
- 3.2.2 At-Home Suspension  
Student stays at home and may be required to complete a reflective booklet. Relevant school work must be completed and presented on return to school. Student may receive a Saturday detention and/or a Level demotion.

- Short Term (less than 4 days) Suspension from school.
  - A student may be given a long-term suspension, 4 days or more at the discretion of the Principal or Deputy Principal.
- 3.2.3 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 written psychological assessment by a qualified medical practitioner indicating the student's fitness to return to school must be provided to Head of Counselling prior to the student's return 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
  - Heads of School 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.
- 3.3.3 Ongoing management of the situation will be coordinated by the relevant Head of School or Dean. A Head of School may need to withdraw a student from class in a 'time out' capacity until such time that further investigation and/or consultation can occur.
- 3.3.4 The Dean, Head of School or Assistant Principal - Pastoral Care enters relevant details into the student's conduct record on the College data base and marked as confidential and informs the relevant Dean.
- 3.3.5 Once a decision has been made to suspend a student from school, the following people should be notified promptly:
- a) the Principal and Deputy Principal;
  - b) the student's Dean;
  - c) 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);
  - d) Director of Student Learning (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).
- 3.3.6 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.
- 3.4 Conditions of Suspension from School.
- 3.4.1 The College is not responsible for the supervision of a student who is on an at home suspension from school. All class work is to be completed by the student via the Oakhill College learning website.
- 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 Return to school following suspension.
- 3.5.1 A student and parent/guardian attend a restorative interview with a representative of the pastoral care team.
- 3.5.2 A student may be required to complete a Saturday detention following their return to school.
- 3.5.3 A student's Level may be reviewed.
- 3.5.4 A student may be required to attend counselling.
- 3.5.5 A student may be subject to a contract/monitoring program.

### 3.6 Termination of Enrolment

- 3.6.1 In extreme circumstances, the Principal may consider termination of a student's enrolment from the College. This may result from:
    - a) a single serious breach of College rules;
    - b) following an ongoing management process aligned with the College Level System.
  - 3.6.2 A student at Level 7 who continues to demonstrate unacceptable standards of conduct will be referred to the Deputy Principal; who may then inform the Principal. The Principal may consider termination of the student's enrolment.
  - 3.6.3 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.
  - 3.6.4 In cases where consideration is being given to recommending a termination of enrolment, the gravity of the circumstances requires that particular emphasis be given to all aspects of procedural fairness.
  - 3.6.5 When recommending a termination of enrolment from Oakhill College, where relevant and appropriate, the Principal or the Principal's delegate should:
    - 3.6.5.1 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.
    - 3.6.5.2 Provide the student and parents or caregiver, the opportunity to attend a formal interview with the Principal.
    - 3.6.5.3 Provide the parents/caregiver with information on the implications of this action, their rights to an appeal and the appropriate procedures for submitting an appeal. If requested, provide the parents or caregiver with a copy of relevant, redacted documentation.
    - 3.6.5.4 Notify the parents /guardian that a termination from Oakhill College is being considered, giving reasons for the possible action and allowing 2 school days for the parents/guardian to respond.
    - 3.6.5.5 Consider any response from the student and parents/guardian before proceeding to the final determination.
    - 3.6.5.6 Provides parents/guardian with notification of the final determination and information regarding their right of appeal.
  - 3.6.6 Parents can appeal the termination of the enrolment of their son or daughter by writing to the Chair of the College Board.
- 3.7 A procedural checklist for termination of a student's enrolment once confirmed.
- 3.7.1 The Principal may offer counselling support and/or careers guidance.
  - 3.7.2 Principal informs Registrar and Bursar
  - 3.7.3 Sign out form completed – if appropriate to the situation – to be passed on to Registrar.
  - 3.7.4 Organise the return of any school resources in the student's possession.
  - 3.7.5 Letter to confirm termination of enrolment sent home from Principal – copy to Registrar.
  - 3.7.6 Email from Registrar to all teachers of the student, relevant administration staff and curriculum office.
  - 3.7.7 Follow-up call by the registrar 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.
- 5.5 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 could involve providing a redacted 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 – January 2019 (Pages 35-39)
- 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