



*With Jesus Christ as our inspiration and guide, we are called to provide high-quality Catholic education in the Diocese of Bathurst'*

## **SUSPENSION, TRANSFER AND TERMINATION OF ENROLMENT POLICY**

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### **1. MISSION AND VALUES**

In partnership with the family, parish and community, our schools nurture a relationship with God in Christ Jesus, celebrate and share the Catholic faith, and educate to enable all to make a positive contribution to the world.

We are therefore committed to:

- a safe, inclusive and professional learning environment
- just and right relationships that recognise and respect the dignity of each individual
- recognition of the diverse needs of learners
- the use of a variety of methods, technologies, and techniques to enhance learning and teaching

### **2. PURPOSE**

The purpose of this document is to clarify the agreed practices at Catholic Education Diocese of Bathurst in relation to individuals who display incidents or patterns of behaviour where it is appropriate to implement transfer, suspension or expulsion.

### **3. EXPECTATIONS**

It is expected that all staff at CEDB will adhere to the scope and procedures outlined in this document as these are the agreed practices of the CEDB and schools. A local policy is not required.

#### **Expectations of the school**

- It is expected that the school will create learning environments where students and staff are treated with dignity and respect and their individual needs are catered for in an appropriate and reasonable manner.
- It is expected that unacceptable behaviour is addressed as soon as practicable through a variety of means and approaches. These include curriculum based approaches and tiered interventions tailored to meet the needs of individual students.
- It is expected that all schools proactively implement programs, through Student Welfare Policies, to ensure a focus on positive behaviour and proactive processes which support student behaviour and learning.
- The CEDB provides Catholic education on the basis of: the parents' enrolment agreement; ongoing partnership between the school and parent; and the students' cooperation in meeting the expectations of the school community.

#### **Expectations of parents/carers**

- The expectations of parents are to act in good faith, communicate with school staff on issues of concern, and work in partnership with the school to support student learning, engagement and development.

- It is expected that parents will work with the school to resolve any concerns as soon as practicable.
- The contractual agreement with parents may be placed in jeopardy or terminated where the student does not fulfil the expectations of the school.

#### Expectations of students

- Students are to maximise learning and growth opportunities, communicate with school staff on issues of concern, and work in partnership with parents and school to reach their learning and development potential.
- Students will work with parents and the school to resolve any concerns.

#### Expectations of the Consultant to Schools

The Consultant to Schools may have a number of roles in the processes:

- As a support and guide to the Principal in determining types and duration of Suspension, Transfer options to another school, or Termination of Enrolment
- As a guide to procedural fairness in the situation
- As an independent investigator in the situation
- As a mediator in the situation

The Consultant to Schools will also discuss with the Executive Director of Schools:

- the misconduct, behaviours or concerns
- the evidence
- the options for resolution
- his or her recommendations for a decision
- an appeal of the recommendation and the conclusion of any appeal.

## 4. DEFINITIONS

### Suspension

Suspension is a strategy for use in addressing behaviour which is unacceptable within a school's Student Welfare and Discipline Policy. *Suspension is not intended as a punishment.* There are cases of unacceptable behaviour, where it is in the interests of the school community and/or the student(/s) involved, to implement a suspension from school/classes. Suspension is intended to:

- manage a risk of harm to themselves or other students
- establish consequences for a student's misconduct or challenging behaviour
- provide an opportunity for planning or further investigation
- allow a period of time when the school, parents and the student can work together on the resolution of the problem that has led to the student's suspension

There may be cases where immediate suspension from school may be an appropriate response. e.g. where there is serious threat to safety or possible criminality.

### Types of Suspension

There are different types of Suspension which can be used. The type of Suspension is usually based upon the unacceptable behaviour, its frequency, its threat to others and the individual. A comprehensive list of these types of Suspension can be found in Appendix 1.

- Short Suspension
- Long Suspension
- Suspension in School
- Suspension away from School

### Transfer

A student may be given the option of transferring to another school in the Diocese, if the Executive Director of Schools agrees. Transfer may occur when it is untenable for a student to remain in a particular school. It ends the enrolment agreement with the first school and requires a new enrolment in the new school.

The decision to assist a student with transfer to another school may be made when:

- the student's behaviour has adversely impacted on the school community
- the student's presence at the school places other members of the school community at risk

- the continued presence of a student at the school is otherwise untenable.

### Termination of Enrolment

Termination of enrolment is the total withdrawal of a student's right to attend a particular school. Expulsion ends the enrolment agreement entered into by the School Principal with the parents.

The decision to terminate enrolment of a student from the school may be made when:

- the student's behaviour has adversely impacted the school community
- the student's presence at the school places other members of the school community at risk
- the student's behaviour places them at risk of harm
- all appropriate student welfare and disciplinary strategies have been implemented and documented and no apparent improvement has been made
- the continued presence of the student at the school is otherwise untenable.

**The decision to terminate enrolment rests exclusively with the Executive Director of Schools.** Where termination of enrolment is under consideration the Parish Priest will be informed.

### Procedural Fairness

Procedural Fairness is a basic right of all individuals. All Individuals have a legitimate expectation that procedural fairness principles will be followed when decisions are made affecting their rights, legitimate interests or expectations.

The Principal will ensure that requirements of procedural fairness are followed and appropriate advice is obtained. The Principal may assign parts of the process such as investigation, to the Assistant Principal, Year Co-ordinator or another appropriate person.

The Principal should seek advice from the Consultant to Schools if the concerns have a continuing impact on the school community.

Procedural fairness is generally recognised as having two essential elements. These are:

- **The right to be heard** which includes:
  - the right to know why an action is happening
  - the right to know the way in which the issues will be determined
  - the right to know the information which will be taken into account
  - the right of the person to respond to the information
  - the right to appeal in respect of suspension and/or expulsion
  - access to an interpreter if required by student or parents
  - access to all relevant Policies, Guidelines and Procedures related to the matter.
- **The right of a person to an impartial decision** which includes:
  - the right to impartiality in the investigation and decision making process
  - the right to an absence of bias by the decision maker
  - the availability of a support person/observer at formal interviews.

### Reasonable and Objective

Elements of the process which must be seen as paramount include:

- if the Principal is conducting both the investigative and decision making stages, they must be reasonable and objective - the Principal must act justly and be seen to act justly and transparently.
- while it is preferable for the functions of investigating and decision making to be carried out by different people, this may not always be possible. While it can be difficult to combine the roles of investigator and adjudicator, it is acceptable to do so given the nature of the Principal's responsibilities. *Nevertheless, it is preferable to have another appropriate person, such as an Assistant Principal, to carry out the investigation, if possible.*

### Line of Appeal

Individuals have the right to a fair and open process and access to another person who provides a line of appeal and transparency to the process.

- This offers an added view of the decision in case there is a perception of conflict of interest

- This would normally be the Consultant to Schools
- The final decision of an appeal will sit with the Executive Director of Schools.

### **Record Keeping**

**Thorough minutes or notes must be made of all investigations and interviews and the results of the investigations. These must then be filed in the school archive system and retained according to the Policy Retention Policy.**

### **Radicalised and Extremist Behaviour**

Radicalised and extremist behaviour is the displaying of extreme political, social or religious ideas or aspirations. This behaviour rejects or undermines social expectations, norms and acceptable expressions of society. Radicalised behaviour can be violent or non-violent.

Radicalised and extremist behaviour in students can lead to behaviour changes, heightened intensity, isolation from the broader society, ideology and attitude changes especially toward society, authority and social norms, anger, secretiveness, suspicion of others, increased secretive internet usage, increased use of ideologically specific language and speech, and changes in routines, habits and interests.

## **5. GUIDELINES**

Suspension is only one of many strategies for managing inappropriate behaviour within a school's student welfare and discipline policies. It is most effective when it assists the parents in taking an active role, in partnership with the school, to modify the inappropriate behaviour of their child. The school and CEDB office personnel work with parents to assist a suspended student to rejoin the school community in timely manner.

Suspension also allows time for school personnel and parents to plan appropriate support for the student to assist with successful re-entry. This may include access to appropriate support staff such as the school's Counsellor or Aboriginal Education Officer or CEDB's Learning and Behavioural Support Team. In some cases, suspension from school allows the school, parents and CEDB 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 their behaviours, and to acknowledge and accept responsibility for changing their behaviour to meet the agreed expectations.

Principals have authority, consistent with the provisions of these procedures and associated documents, to suspend a student from their own school. They will exercise this authority having regard to their responsibility to the student, to the whole school community and to the principles of procedural fairness.

These procedures apply to the behaviour of students at school, on the way to and from school, and while away from the school site on school endorsed activities. They can also apply outside of school hours and off the school premises where there is clear and close connection between the school and the conduct of students. This includes the use by a student of social networking sites, mobile phones and/or other technology to threaten, bully or harass another student or member of the school community.

Where a serious disciplinary matter arises and the Principal is considering suspension of a student, the action should be taken irrespective of any action which may be taken by another agency, including the NSW Police Force. Where the NSW Police Force is involved, in a case where the Principal is considering suspension, Principals should liaise with the Police to ensure that any potential police investigation is not compromised.

In cases of radicalised or extreme behaviour the Principal must consult with the Consultant to Schools and CEDB to determine the best process to undertake.

If the behaviour leading 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 in liaison with CEDB.

Principals must consider whether the incident gives rise to a requirement to make a mandatory report to the Child Protection Helpline (MRG). This should be done in liaison with CEDB.

## 6. PROCEDURES

Schools support students in all aspects of their development. Where inappropriate behaviours occur, schools must have procedures to support them to develop more acceptable behaviours.

Schools achieve this by having Policies, Guidelines and procedures, on a range of subjects, which clarify the accepted practices of the school and the approaches the school, staff and parents take to ensure best possible outcomes and high levels of learning for all.

In all cases the school will follow its Policies, Guidelines and procedures to provide support to students before they reach a situation where suspension, transfer or termination are contemplated. These measures should all be well documented and stored for future reference according to the school Archiving processes

**An appeal of a decision to suspend or terminate enrolment** may be requested by a student or their parents/guardians. *The appeal will be undertaken by the Executive Director of Schools or his/her nominee.* The request for an appeal must be made as soon as possible from the date of the decision to suspend or terminate enrolment and detail the grounds for the request.

The School Principal, and where appropriate CEDB, will keep records of discussions, interviews and decisions, and the reasons for decisions relating to student suspension and termination of enrolment.

## 7. LEGISLATIVE FRAMEWORK

1. *Education Act NSW 1990*
2. *The Disability Discrimination Act 1992*
3. *Disability Standards for Education 2005*

## 8. RELATED POLICIES AND GUIDELINES

1. *Enrolment Policy* Catholic Education Diocese of Bathurst
2. *Workplace Grievance Policy* Catholic Education Diocese of Bathurst
3. *Guidelines for the Management of Complaints* Catholic Education Diocese of Bathurst
4. *Procedural Fairness Guideline* Catholic Education Diocese of Bathurst
5. *WHS Policy* Catholic Education Diocese of Bathurst
6. *Students with Challenging Behaviours Guidelines* Catholic Education Diocese of Bathurst
7. *Students with a History of Violent Behaviour Guidelines* Catholic Education Diocese of Bathurst

## 9. RELEVANT DOCUMENTS

- School Student Welfare and Disciplinary Policies
- School Anti-Bullying/Cyber-Bullying Policies
- School Social Media Guidelines
- Email and Internet Policy
- Mobile Phones, Recording Devices and Camera in Schools
- Drugs in Schools Policy

## 10. POLICY ADMINISTRATION

This Policy has been ratified by the Executive Director of Schools and will be reviewed periodically, or in the event of any information or incident that indicates the need for a review, or following relevant legislative or organisational change.

It is the responsibility of anyone accessing this document to ensure that the current version is downloaded from CEDB website.

Date of Implementation	2013
Date of Last Review	2018
Date for Next Review	2022

## Appendix 1

# Types of Suspension

### In-school suspension

In-school suspension is when a student is withdrawn from class but remains at school under supervision.

- Parents should be notified of this suspension and the reasons for the actions.
- Schools must have processes for supervision of students while undertaking this suspension.
- Students should be provided with activities related to the class learning they are absent from while on the suspension.

### Suspension from school

Suspension from school is that a student's right to attend school or classes is withdrawn for a temporary period of time. This includes times where the school asks parents to remove the child from the school to manage behaviour.

- The Principal should advise the parents in writing as soon as possible when suspending a student from school. (Appendix 2)
- During suspension from school, parents take responsibility for the student. In cases of unacceptable behaviour, parents should not be asked to keep the student at home without the imposition of a suspension unless it is for the remainder of the day as part of an approved behaviour management program.
- When a student is suspended from school the attendance record is marked 'E' Exemption.
- The duration of suspension from school relates to the severity of each situation and issues such as the effect on the student or the learning community. Previous suspensions should also be considered.
- Students will be suspended for a defined period of time and provided with class work during suspension from school. Collaboration between school staff, parents and the student is most important when suspension occurs.
- The Principal and the parents must work collaboratively on solutions to support the student achieving school expectations. They encourage and develop the rebuilding of relationships within a framework of restorative practices.
- Students will be offered counselling to aid them in developing skills and capacity to address their specific situation.
- When evaluating their approach to managing misbehaviour or incidents, the school should consider the safety of all students and staff, and act according to the circumstances of each case.
- The Principal may suspend a student from school for a period of up to five (5) days in total (short suspension) under delegated authority from the Executive Director of Schools.
- **Suspension from school between six (6) and ten (10) school days must be authorised by the relevant Consultant to Schools.** When a student is absent on suspension from school for a total number of 6 days or more, the matter should be discussed with the relevant Consultant to Schools. This applies whether the suspension is a single suspension or several suspensions adding up to 6 days in total.
- **Suspension of ten (10) days or more must be authorised by the Executive Director of Schools.**

### Short Suspension

Suspension from school for up to five (5) days in total can be applied but not limited to the following reasons:

- ❖ Contrived disobedience – this includes, but is not limited to, continual and major breaches of the school's discipline code such as refusal to obey staff instructions, defiance, serious disruption to other students and use of alcohol, repeated use of tobacco or use of drugs.
- ❖ Aggressive behaviour – this includes, but is not limited to, hostile behaviour directed towards students, members of staff or other persons, including damaging the property of the school or

students. It also includes bullying, cyberbullying, verbal abuse and abuse transmitted electronically such as email, SMS text messages or by other electronic means, or on paper.

In regard to this type of suspension the Principal should:

- establish a process for dealing with the misconduct or concerns
- consult with the school counsellor and appropriate professionals at the school and CEDB
- consult with the Consultant to Schools
- manage the misconduct or concerns proportionately to the expected effects on the student and the wider school community
- take into account all available evidence, including the student and parents' responses
- discuss available options for resolution with the parents and where appropriate the student as well as the School's Consultant
- as soon as practicable, communicate the concerns in writing to the parents of students whose behaviour or misconduct causes concerns, unless there are good reasons for communicating these concerns in writing to the student directly
- decide on appropriate action for resolution of the misconduct or concerns
- as soon as practicable communicate the decision and reasons for the decision to suspend in writing to the parents (or where appropriate, to the student)
- inform the parents (or where appropriate, to the student) that they have the right to a review of the decision
- ensure that written records of the process and outcome are kept and made accessible to authorised personnel.

### Long Suspension

If short suspensions have not resolved the issue of inappropriate behaviour, or the misbehaviour is so serious as to warrant a long suspension, the Principal may impose a long suspension of up to and including twenty (20) school days. In determining if a student's behaviour is serious enough to warrant a long suspension the Principal must consider:

- the safety of students and staff
- the merit and circumstances of the particular case
- previous suspensions and management of behaviours
- factors such as the age, individual needs, any disability and development level of the student.

Principals may impose a long suspension for:

- ❖ **Physical Violence:** which results in injury, or which seriously interferes with the safety or well-being of other students and staff (including sexual or indecent assault).
- ❖ **Use or possession of a prohibited weapon, firearm or knife:** when the student uses or possesses a weapon which is listed in Schedule One of the Weapons Prohibition Act.
  - Prohibited weapons include laser pointers, or similar articles with a power output of more than one milliwatt. Prohibited Weapons do not include harmless children's toys such as plastic imitation guns that are clearly intended to be toys
  - uses a knife or possesses a knife (without reasonable excuse as defined by the *Summary Offences Act 1988*)
  - uses or possesses a firearm of any type (including live ammunition and replica firearms)
- ❖ **Possession, supply or use of a suspected illegal substance:** This does not include alcohol unless there is a significant quantity involved. It also does not include tobacco, but does include supplying other students with illegal drugs or restricted substances such as prescription drugs.
- ❖ **Serious criminal behaviour related to the school:** This includes malicious damage to property (school or community), or against the property of a fellow student or member of the school community, or outside of the school premises. If the incident occurred outside the school or outside school hours, there must be a clear and close relationship between the incident and the school.

- ❖ **Use of an implement as a weapon.** When a student uses an implement as a weapon to assault or injure another person (including use of an offensive implement, which is any implement made or adapted to cause injury to another person).
- ❖ **Persistent or serious misbehaviour: This includes, but is not limited to**
  - repeated refusal to follow the school discipline code
  - threatening to use a weapon in a way that might seriously interfere with the safety and wellbeing of another person
  - making credible threats against students or staff, member of community
  - behaviour that deliberately and persistently interferes with the rights of other students to learn or teachers to teach including bullying, harassment and victimisation

For long suspensions, the Principal should

- refer the decision to suspend from school for six (6) days or more to the School's Consultant
- provide all evidence and make recommendations to the School's Consultant
- manage the process with the School's Consultant

### **Re-entry to School after Suspension**

Students returning to school after any suspension are required to have a re-entry meeting with the Principal and/or delegate.

- Prior to the re-entry meeting,
  - the Principal or the Principal's delegate should engage with appropriate school and or CEDB personnel, to conduct and implement a Risk Assessment, to formulate a basis for re-entry of the student.
  - Re-entry planning may include a Behaviour Management Plan.
  - the Principal convenes a re-entry meeting.
- At the Re-entry meeting
  - the Principal meets with the student and the parents/caregivers. Where a parent isn't available within a reasonable period of time, the Principal may make a decision to meet with the student and parents separately. Parental permission for separate meetings should be sought before being held.
  - the Principal, student and parent review and discuss the basis for re-entry for the student.
  - the Principal, student and parent implement processes to assist the student with re-entry to the school. This may include a Behaviour Management Plan.
  - the Principal, student and parent decide upon any other processes to assist the student with meeting of any requirements in the initial re-entry period. This should include specific support structures and a mentor or contact person within the school.

The conditions for re-entry plans must be kept on file and copies provided for students and/or caregivers.

## Appendix 2

### School Letterhead

#### Letter 1 – Short Suspension from School

Name  
Address

Dear

This is to inform you that I have today suspended your (daughter/son etc.), (students name) from (school name), consistent with the procedures of Catholic Education Diocese of Bathurst for suspension, and this school's discipline code.

Suspension allows time for the issues that have led to this action to be explored and resolved. It also provides time for the school to plan appropriate support for (student's name) to assist with a successful and safe return to school.

(Student's name) has been suspended for (then specify reason/s and details of the incident). (He/she) has been suspended for (number of) school days, from (date) to (date) inclusive.

As a result of (student's name) suspension, both you and I are required to complete specific activities.

I will:

- seek your assistance and work with you in an attempt to resolve the matter
- hold a resolution meeting with you at the earliest possible time to discuss how the matter might be resolved
- provide you with a copy of the School Discipline Code and CEDB's Suspension and Termination of Enrolment Guidelines (attached)
- Provide access to counselling for (student's name)

You are expected to:

- assist me in resolving the matter
- contact my office as soon as possible to arrange a time to discuss how the matter might be resolved
- arrange a support person to accompany you to the meeting, if you wish
- be responsible for the supervision, care and safety of (student's name) while on suspension
- ensure that (student's name) is aware that (he/she) is not to enter onto school grounds without my permission, except to attend the resolution meeting.

The school expects that (student's name) will continue with (his/her) studies while suspended.

If you consider that correct procedures have not been followed in this case or that an unfair decision has been made, you may appeal. You may wish to contact Catholic Education Diocese of Bathurst on 02 6338 3000 to discuss the appeal procedures.

Yours sincerely

(Principal's Name)

Principal  
Date

## Appendix 3

### School Letterhead

#### Letter 2 – Long Suspension from School

Name

Address

Dear

This is to inform you that I have today suspended your (daughter/son/etc), (student's name) from (school name), consistent with the procedures of Catholic Education Diocese of Bathurst for suspension and this school's discipline code.

Suspension allows time for the issues that have led to this action to be explored and resolved. It also provides time for the school to plan appropriate support for (student's name) to assist with a successful and safe return to school.

(Student's name) has been suspended for (then specific reason/s and details of the incident). (He/she) has been suspended for (number of) school days, from (date) to (date) inclusive.

As a result of (student's name) suspension, both you and I are required to complete specific activities.

I will:

- seek your assistance and work with you in an attempt to resolve the matter
- hold a resolution meeting with you at the earliest possible time to discuss how the matter might be resolved.
- provide a study program
- provide you with a copy of the School Discipline Code and the CEDB's Suspension and Termination of Enrolment Guidelines (attached).

You are expected to:

- assist me in resolving the matter
- contact my office as soon as possible to arrange a time to discuss how the matter might be resolved
- arrange a support person to accompany you to the meeting if you wish
- be responsible for the supervision, care and safety of (student's name) while on suspension
- ensure that (student's name) is aware that (he/she) is not to enter onto school grounds without my permission, except to attend the resolution meeting.

If we are able to resolve this matter satisfactorily, this period of suspension may be reduced. The school expects that (student's name) will continue with (his/her) studies while suspended.

If you consider that correct procedures have not been followed in this case or that an unfair decision has been made, you may appeal in accordance with the procedures. You may to contact Catholic Education Diocese of Bathurst on 02 6338 3000 to discuss the appeal procedures.

Yours sincerely

(Principal's Name)

Principal

Date