

The Suspension, Expulsion Or Exclusion Of Students In Catholic Schools In The Diocese Of Armidale



CSO Operational Policy
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Catholic Schools Office
Diocese of Armidale

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SOURCE OF THE OBLIGATION

The NSW Registration Manual (5.7.1 and 5.7.2) requires that a registered non-government school must have policies relating to discipline of students attending the school that are based on principles of procedural fairness and do not permit corporal punishment of students.

PREAMBLE

In accepting the enrolment of a student, the staff of a Catholic school take on the responsibility for the care and guidance of that student.

This care and guidance is conducted in a school climate characterised by Gospel values. Such values emphasize the development of self-discipline based on justice, self-esteem and reconciliation. The dignity of the individual in a school remains of the utmost importance.

Given such an environment, the action of suspending, excluding or expelling a student is something that will occur only on a very rare occasion and only after considerable assistance has been provided to the student and the family in an effort to overcome difficulties which surround that student.

SUSPENSION, EXPULSION AND EXCLUSION DEFINED

Suspension, expulsion or exclusion may occur as a consequence of a serious breach of organisation rules, or serious disobedience.

A suspension is a temporary removal of a student from all classes that a student would normally attend at school for a set period of time.

Expulsion is the permanent removal of a student from one particular school.

Exclusion is the act of preventing a student's admission to other schools within the Diocesan School System.

It is our policy that our procedures for the suspension, expulsion or exclusion of a student are based on the principles of procedural fairness.

This policy sets out the procedures to be followed when making a decision about the suspension, expulsion or exclusion of a student.

1. GENERAL PRINCIPLES

- 1.1 Schools make every effort to ensure that education is a rewarding and relevant experience for all students.
- 1.2 It is the responsibility of the Principal to ensure that students, parents and staff are fully aware of the school's pastoral care policy and discipline code of the school.
- 1.3 The Principal will seek early and positive support from parents or caregivers in resolving discipline and behaviour problems. Suspension provides a period when all parties can seek a positive resolution to the problem.
- 1.4 It is essential that suspension, exclusion and expulsion be seen as strategies within the pastoral care policy and discipline code of the school. These strategies are to be used only in serious cases of misbehaviour or non-compliance in accordance with these guidelines. Principals should use their available authority immediately if they believe that the safety of staff or students is at risk.
- 1.5 When considering these strategies the Principal must ensure that no student is discriminated against in terms of gender, race, religious or cultural background, socio-economic status, physical or intellectual disability.
- 1.6 The motivation, work and safety of other students and staff should not be jeopardised.
- 1.7 The Principal may refuse enrolment of a student on the grounds of previously unacceptable behaviour if there is evidence that the student has not learned the appropriate skill to manage this behaviour.
- 1.8 Each school is to maintain records of suspension and expulsions. These records are to be made available to the Director of Schools upon request.
- 1.9 Only the principal or designated representative can suspend a student.
- 1.10 Only the Director or designated representative can expel a student.
- 1.11 Only the Director or designated representative can exclude a student.
- 1.12 Decisions to suspend, expel or exclude a student will be underpinned by the principles of procedural fairness. These principles require that individuals have the right to respond (the hearing rule) and the right to an unbiased hearing (the bias rule).
- 1.13 Suspension and expulsion are to be considered as responses to serious offences. A serious offence is defined as an activity or behaviour by a student which:
 - 1.13.1 seriously undermines the ethos of the Catholic school; or
 - 1.13.2 consistently and deliberately fails to comply with any reasonable and lawful instruction of a Principal or teacher; or
 - 1.13.3 is offensive or dangerous to the physical or emotional health of any staff member, visitor or any student; or
 - 1.13.4 consistently and deliberately interferes with the educational opportunities of other students.

2. GUIDELINES FOR SUSPENSION

Suspension means temporary withdrawal of a student's rights to attendance at the school. It is a disciplinary measure which may be invoked by the Principal or designated representative, where a student's conduct and behaviour are deemed to be in conflict with the expectations and values of the school community. Wherever possible, the Parish Priest should be kept informed when the decision to suspend a student is made.

2.1 In determining whether a student's misbehaviour is serious enough to warrant suspension (i.e. exclusion from attending school), the Principal will consider factors including the safety and welfare of the student, staff and other students in the class or school. The length of suspension, which will vary depending on the nature of the student's behaviour, is at the discretion of the Principal.

2.2 Suspension may be short (up to three days) or long (four to twenty days). The Principals must inform the School Consultant of all suspensions and confirm relevant details in writing within three school days of initiating the suspension.

2.3 Appropriate records need to be maintained and consultation undertaken with parents or caregivers in accordance with the school's pastoral care policy and discipline code.

2.4 In some circumstances, the Principal may determine that a student should be suspended immediately. This will usually be due to a concern for the safety of students or staff because of violence, threats of violence, or the presence of weapons or illegal drugs.

2.5 Principals must suspend immediately and consistently with these procedures, any student whose behaviour includes the following:

2.5.1 Possession of a suspected illegal drug

Suspension is to occur immediately if the substance is being represented by the student as an illegal drug or on confirmation the substance is, in fact, illegal (suspension should be in accord with the *Management of Drug Related Issues in Catholic Schools in the Diocese of Armidale* policy).

2.5.2 Violence or threat of serious physical violence

Any student intentionally causing injury or threatening serious physical violence against another student or teacher is to be suspended immediately.

2.5.3 Possession of a prohibited weapon

Any student possessing a prohibited weapon or using or threatening to use any item or instrument as a weapon, is to be suspended immediately. The matter must be reported to the police (Refer Appendix A).

2.6 Principals may also suspend, consistent with these procedures, any student whose behavior includes:

2.6.1 Persistent disobedience

Students who, in their relationships with staff, are persistently disobedient, insolent or engage in verbal harassment and abuse, may be suspended.

2.6.2 Persistent disruption

Students who persistently disrupt and prevent the learning and teaching of others may be suspended.

2.6.3 Breach of school rules

Students who breach the school's published rules and regulations may be suspended.

- 2.7 In circumstances other than those outlined 2.5 and 2.6 above, suspension will usually occur after the Principal has:
- ensured that all appropriate and available student welfare strategies and discipline options have been applied and documented
 - ensured that all appropriate support personnel available, within the school system and externally, have been involved
 - taken reasonable steps to ensure that discussion appropriate to the circumstances has occurred with the student and/or parent/caregivers regarding specific misbehaviour which the school considers unacceptable and which may lead to suspension.
 - provided to the student and/or parent/caregivers a formal written caution detailing these behaviours, as well as clear expectations of what is required in future
 - recorded in appropriate school files all action taken
 - Students who attend school premises without permission of the Principal during periods of suspension or exclusion, or if they have been expelled, can be asked to leave the premises by the Principal or person then in charge of the site. If they refuse to leave, police should be called (see Appendix B).

3. DECIDING ON, NOTIFYING AND RESOLVING A SUSPENSION

- 3.1 The Principal should inform the student of the grounds on which the suspension is being considered. The student must be given the opportunity to respond.
- 3.2 The student's response must be considered before a decision to suspend is made. The decision to suspend must be made by the Principal or authorised delegate.
- 3.3 A student will not be sent out of school before the end of the school day without notification being made to a parent/caregiver and, if necessary, agreement reached about arrangements for the collection of the student from school.
- 3.4 Notification of suspension must be made to parents or caregivers in writing. This form letter can be found in **Policy Plus**.
- 3.5 In all cases, the notification must include:
- Notice of the suspension and its length
 - The reasons for the suspension
 - The clear expectation that the student will continue with studies while suspended
 - The importance of parental/caregiver assistance in resolving the matter
 - A reminder that parents/caregivers are responsible for the care and safety of the student while under suspension.
- 3.6 Parents/caregivers should be referred to the school's published discipline code.
- 3.7 The School Consultant and Parish Priest will be advised of the decision to suspend by the Principal. A *Suspension Form* is to be completed and submitted to the School Consultant. This document can be found in **Policy Plus**.
- 3.8 At the earliest opportunity, the Principal or authorised delegate must convene a suspension resolution meeting with the student and the parents/caregivers to discuss the basis on which the suspension will be resolved. A **Re-Entry Plan Proforma** is available in Policy Plus and is to be held in Student's File.

- 3.9 If, despite the school's requests, parents or caregivers are unable or unwilling to attend a suspension resolution meeting, the Principal should consider the individual merits of the case and refer the matter to the School Consultant. Alternative steps may then need to be taken to resolve the suspension and facilitate the student's return to school

4. GUIDELINES FOR EXPULSION

Expulsion means total withdrawal of a student's rights to attendance at the school.

Expulsion is an extreme disciplinary step reserved for cases of gross misconduct, serious breaches of school rules or behaviour that is persistently disruptive.

- 4.1 Expulsion is generally preceded by a history of previous suspension.
- 4.2 Expulsion is a sanction to be applied only as a last resort and after all other measures have failed.
- 4.3 It must be preceded by ongoing consultation with the parents or caregivers concerned, the Parish Priest appropriate staff and the CSO Director.
- 4.4 Careful consideration must be given to the overall good of the individual student and the welfare of the school community.
- 4.5 No student is to be expelled from school except by the authority of the Director.
- 4.6 The Director must inform the Bishop of the action immediately it is taken. Procedures to be followed

A decision to expel a student from a Diocesan school can only be made by the Director of the Catholic Schools Office on recommendation from the School Consultant and School Principal.

When recommending expulsion the Principal must:

- 4.7 Place the student on suspension pending the outcome of the decision-making process
- 4.8 Notify the student and the parents/caregivers that expulsion is being considered, giving reasons for the possible action and allowing seven school days for the student, parents/caregivers to respond.
- 4.9 Provide the parents/caregivers with a copy of the documentation on which the recommendation to expel is based (taking into account the need to protect the anonymity and privacy of the complainants and/or witnesses).
- 4.10 Consider any response from the student and parents/caregivers before proceeding further.
- 4.11 Give the student and parents/caregivers reasonable notice of an opportunity to attend a formal interview with the Principal.
- 4.12 Provide the parents/caregivers with information on the implications of this action, their rights to an appeal and the appropriate procedures for submitting an appeal.

If, having completed the action outlined above, the Principal decides to recommend expulsion the Principal must forward a submission to the Director detailing the reasons, the action taken to moderate the student's behaviour (where appropriate), a copy of all required documentation and any response from the student and parents/caregivers. This will be forwarded via the School Consultant to the Director.

While consideration is being given to expulsion the student will remain on suspension. A decision will be made as soon as practicable following the submission reaching the Director.

5. EXCLUSION OF A STUDENT FROM DIOCESAN SCHOOL SYSTEM

A decision to exclude a student from a Diocesan school system can only be made by the Director of the Catholic Schools Office on recommendation from the School Consultant.

6. GUIDELINES FOR DECLARING AN ENROLMENT PLACE VACANT

6.1 *General Principles*

- 6.1.1 Principals may declare vacant the place occupied by a non-serious student of post-compulsory age on the grounds of poor attendance and/or other non-compliance with Board of Studies requirements for the award of the School Certificate and Higher School Certificate.
- 6.1.2 All verbal advice must be confirmed in writing within a week and translated, if necessary, into languages other than English.
- 6.1.3 Every school is to maintain a register of students whose places have been declared vacant. The register should be available to the Director of Schools upon request.
- 6.1.4 It will be the student's responsibility to negotiate re-enrolment or enrolment at another school.

6.2 *Procedures to be followed:*

Before declaring a place vacant the Principal will:

- 6.2.1 Ensure that all appropriate student welfare strategies and discipline options have been applied and documented and that personnel such as School Counsellors, Year Advisers and/or other relevant support staff have been involved;
- 6.2.2 Provide at least two formal cautions to the student detailing the poor attendance and/or non-compliance with requirements which are unacceptable and the action being considered;
- 6.2.3 Discuss with the student and parents or caregiver the poor attendance and/or non-compliance with requirements and clear expectations of what is required for continued enrolment;
- 6.2.4 Inform the student in writing of the precise grounds upon which his/her position was declared vacant.

7. APPEALS PROCESSES FOR EXPULSION/EXCLUSION

Students and parents who consider that correct procedures have not been followed, or that an unreasonable decision has been made, may appeal.

Appeals must be made in writing stating the grounds on which the appeal is being made. Appeals are made to the Director about a recommendation to expel/exclude a student.

The Director will:

- Deal with the appeal within four school weeks of its lodgement
- Ensure that communication lines are maintained with the person or persons making the appeal and that they are kept aware of the progress of the appeal
- Review all relevant material
- Ensure that appropriate material has been made available to the student and his or her parents/caregivers.
- Advise all parties in writing of the outcome of the appeal and the specific reasons for reaching the decision.

Where an appeal for an expulsion/exclusion is upheld the Director will decide what further action is to be taken.

The fact that an appeal has been lodged does not put on hold the Principals' decision to suspend with a recommendation to expel from a Diocesan school.

APPENDIX A

1. WEAPONS PROHIBITED IN SCHOOLS

- 1.1 Possession of certain weapons is a criminal offence under the provisions of the Summary Offences Act, 1988
- 1.2 If a Principal becomes aware that a student or any other person on school premises or at a school activity is in possession of a weapon or weapons, he or she should contact the police. The student should be suspended immediately.
- 1.3 Weapons can include, but are not limited to, the items listed below. This list outlines the types of weapons that should be banned from school premises:
 - (i) firearms of any kind
 - (ii) any imitation or replica of any firearm
 - (iii) knives
 - (iv) hunting slings, catapults or slingshots
 - (v) knuckle-dusters
 - (vi) studded gloves or sap gloves
 - (vii) blow guns or any other similar device capable of projecting a dart
 - (viii) whips of any kind
 - (ix) kung fu sticks or nunchaku
 - (x) batons of any type
 - (xi) spear-guns
 - (xii) mace and
 - (xiii) defence or anti-personnel sprays that are capable of discharging irritants in liquid, gas or powder form.

APPENDIX B

UNAUTHORISED ENTRY ONTO SCHOOL PREMISES AND PERSONS BEHAVING OFFENSIVELY IN OR NEAR SCHOOL PREMISES

The Inclosed Lands Protection Act, 1901 and the Summary Offences Act, 1988 outline a number of offences relating to behaviour in or near school sites. Details of these offences are provided below. If persons (including school students) enter school premises without lawful authority or behave offensively in or near schools, the following procedures should be observed.

1. Unauthorised Entry

If an intruder is found on school premises, the Principal or person in charge of the area should ask the person about his/her right to be on the premises. If the person does not have permission or does not give a reasonable explanation for being there, he or she should be requested to leave. If the person refuses to leave, police should be called. A record of any conversations held with the intruder should be immediately noted. Apprehension of the intruder prior to the arrival of police should not be attempted except in extreme circumstances.

As well as intruders, Principals may from time to time be required to prohibit the entry onto school premises of other persons who may ordinarily be considered to have a legitimate reason for being at the school. This situation may involve a parent or parents who may have limited rights in respect of their children as a result of a court order, or be in dispute with the Principal or other staff at the school. Prior to taking any action to deny entry onto school premises, written confirmation of the proposed course of action should be given to the person concerned.

It is stressed that action to restrict parents or other persons who would ordinarily have a legitimate expectation that they be allowed entry to school premises should be taken only as a last resort and only after all other attempts to resolve any dispute have failed.

2. Offensive Behaviour In Or Near A School

If Principals become aware that any person is behaving in an offensive manner in or near the school or is seemingly in breach of some other provision of the Summary Offences Act in or near a school, the police should be called immediately. Staff and students should be encouraged to report any such incidents to the Principal so that appropriate action can be taken. Under no circumstances should any attempt be made to apprehend any person reported to the police.

OFFENCES ON OR NEAR SCHOOLS

3. Inclosed Lands Protection Act, 1901

Schools are “inclosed lands” within the meaning of the Act. There are 4 separate offences under the Act relevant to schools.

- 3.1 Entry, without lawful excuse, onto inclosed lands without the consent of the owner/occupier or person apparently in charge. Proof of lawful excuse is upon the defendant and the maximum penalty is \$500.00.
- 3.2 Remaining on inclosed lands after a request to leave is given by the owner/occupier or person apparently in charge of the land. Maximum penalty is \$500.00.
- 3.3 Remaining on inclosed lands after a request to leave is given by the owner/occupier or person apparently in charge of the land and behaving in an offensive manner. Maximum penalty is \$1000.00.

“Offensive manner” is what a reasonable person would find offensive. It must wound the feelings, arouse anger or resentment or disgust or outrage in the mind of a reasonable person.
- 3.4 Giving a false name and address after being requested to provide same by the owner/occupier or person in charge of the land. Maximum penalty is \$50.00.

4. Summary Offences Act, 1988

The offences relevant to schools under this Act are as follows -

- 4.1 Behaving in an offensive manner in, near or within view or hearing from a school. Maximum penalty \$600.00 or 3 months imprisonment.
- 4.2 Using offensive language in, near or within hearing from a school. Maximum penalty is \$600.00 or 3 months imprisonment.
- 4.3 Wilful and obscene exposure in or within view from a school. Maximum penalty \$1000.00 or 6 months imprisonment.
- 4.4 Soliciting persons for prostitution in a public street near or within view from a school. Maximum penalty \$600.00 or 3 months imprisonment.
- 4.5 Soliciting persons for prostitution in a school. Maximum penalty \$600.00 or 3 months imprisonment.
- 4.6 Taking part in an act of prostitution in or within view from a school. Maximum penalty \$100.00 or 6 months imprisonment