



SUSPENSION, NEGOTIATED TRANSFER AND EXPULSION OF STUDENTS FRAMEWORK

24th March 2021



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FRAMEWORK

Suspension, Negotiated Transfer and Expulsion of Students

24th March 2020

1. Vision

The vision for Catholic Education Sandhurst Limited (**CES Limited**) is to provide, in partnership with our families, stimulating, enriching, liberating and nurturing learning environments in each of the Catholic school communities within the Diocese. At the heart of this vision is our commitment to the ongoing duty of care that we have for the safety, wellbeing, and inclusion of all children and young people.

We believe:

- that the values of the Gospel are central to who we are, what we do, and how we act •

in leadership encompassing vision, innovation and empowerment.

2. Introduction

Sandhurst Catholic schools offer a broad, comprehensive curriculum imbued with an authentic Catholic understanding of Christ and his teaching, as well as a lived appreciation of membership of the Catholic Church.

Parents and guardians, as the first educators of their children, enter into a partnership with Catholic Education Sandhurst (CES) Limited to promote and support their child's education. Parents and guardians have a responsibility for maintaining this partnership by supporting the school in furthering the spiritual and academic life of their children. As the governing authority of Sandhurst Catholic Schools, CES Limited honours this duty through striving to provide Catholic schooling for all those seeking this for their children and who are willing to support the values and purposes of CES Limited.

All CES Limited schools must ensure the Suspension, Negotiated Transfer and Expulsion of Students policies and procedures that are implemented at school level are consistent with this CES Limited Framework.

3. Purpose

The Suspension, Negotiated Transfer and Expulsion of Students Framework outlines Catholic Schools Sandhurst Board approved grounds and processes for suspensions, negotiated transfer, expulsions and associated appeal processes relating to the expulsion of students.

This Framework, and incorporated Policies and Prescribed Processes, reflects the mandatory requirements imposed on Catholic schools under the Minimum Standards for School Regulation pursuant to the [Education and Training Reform Act 2006 \(Vic\)](#) and Education and Training Reform Regulations 2017 (Vic). These requirements are set out within the [Guideline to the Minimum Standards and Requirements for School Registration](#) as developed by the [Victorian Regulation and Qualification Authority](#) (VRQA).

Working in partnership with parents and guided by values of justice, equity, integrity, respect and compassion, approaches to behaviour support in Sandhurst Catholic Schools are underpinned by the belief that all students require a level of behaviour that respects their rights and the rights of others to:

- be safe and feel safe
- learn to the best of their ability
- express themselves
- take responsibility for their choices.

4. Scope

This Framework and incorporated Policies and Procedures apply to all Sandhurst Catholic Schools.

Each Sandhurst Catholic school is required to implement the Suspension, Negotiated Transfer and Expulsion of Students policy and procedures as prescribed in this Framework.

5. Contents of Framework

Appendix 1: Student Absence Learning Plan

Appendix 2: Return to School Plan - Suspension

Appendix 3: Notice of Suspension

Appendix 4: Flowchart for Suspension

Appendix 5: Checklist for Suspension

Appendix 6: Notice of Negotiated Transfer

Appendix 7: Flowchart for Negotiated Transfer

Appendix 8: Checklist for Negotiated Transfer

Appendix 9: Expulsion: Information for Parents and Carers

Appendix 10: Notice of Expulsion

Appendix 11: Expulsion Appeal – Information and Form

Appendix 12: Expulsion Report

Appendix 13: Flowchart for Expulsion

Appendix 14: Checklist for Expulsion

Appendix 15: Return to School Plan- Expulsion

6. Definitions

CECV	Catholic Education Commission of Victoria
CES Limited Office	Catholic Education Sandhurst Office is the leadership and management arm of CES Limited
CES Limited	Catholic Education Sandhurst Limited, the owner and operator of Sandhurst Catholic schools
CES Limited Board	The Board of Catholic Education Sandhurst Limited (CES)
ETR Act	<u>Education and Training Reform Act 2007 (Vic)</u>
ETR Regulations	<u>Education and Training Reform Regulations 2017 (Vic)</u>
Executive Director	The person holding the position of Executive Director of Catholic Education in CES Limited
Expulsion	<p>Expulsion involves the termination of the contract entered into at the time of the enrolment by the parent(s)/carer(s)/relevant person.</p> <p>Expulsion occurs when, following consultation with the CES Limited Assistant to the Director: Pastoral Wellbeing, a student's attendance at their current school is permanently withdrawn by the Principal.</p> <p>The School's enrolment agreement explicitly records at the time of acceptance of the enrolment of a student that unacceptable behaviour by a child, may result in suspension or termination of the child's enrolment.</p> <p>The Principal, wherever possible, will work with the student and their parent(s)/carer(s)/relevant person to arrange enrolment with another school in accordance with this Framework.</p>
Guidelines	Recommendations and guidance to support the implementation of this Board approved Framework and related Policies, which may be developed and approved by the Principal of a Sandhurst Catholic School for operation in a particular School in accordance with this Framework.

<p>Mature Minor</p>	<p>The CES Limited Board recognises that parents and carers are significant and essential partners with schools in actively supporting and nurturing the educational and wellbeing outcomes of children and young people from early years through adolescence. For this reason, Schools continue to engage parents in schooling matters even after the student has turned 18 and is legally recognised as an adult.</p> <p>Notwithstanding this, for a variety of reasons students under the age of 18 sometimes ask to make decisions on their own behalf, without involvement of their parents. The law recognises that a young person with sufficient maturity and intelligence may reach a stage where they are capable of making their own decisions about a wide range of issues including decisions about their education, healthcare and wellbeing before they are 18 years old. These young people are often referred to as ‘mature minors.’</p> <p>In such scenarios the Principal should consider the circumstances on a case-by-case basis and be satisfied that the young person has sufficient maturity, understanding and intelligence to comprehend the nature and effect of a particular decision. The Principal is, in the first instance, required to refer to the National Catholic Education Commission’s Privacy Compliance Manual and to consult with CES Limited and obtain the approval of the CES Limited Assistant to the Executive Director: Pastoral Wellbeing or CES Executive Director (or the delegate of the CES Limited Executive Director) prior to determining whether a student is a ‘mature minor’.</p>
<p>Negotiated transfer</p>	<p>Negotiated transfer means a documented and mutually agreed move to another school is arranged.</p> <p>Negotiated transfer occurs when all other pastoral and discipline measures, including suspension, have failed to resolve an issue of serious inappropriate student behaviour, a negotiated transfer may be considered. A negotiated transfer ends the enrolment agreement with the first school and requires an enrolment in another school.</p>
<p>Privacy Act</p>	<p>Privacy Act 1988 (Cth.)</p>
<p>Policy</p>	<p>A high level principles-based directive by the Board that must be complied with by each Sandhurst Catholic School as detailed in this Framework.</p>
<p>Procedure</p>	<p>A step by step instruction for the implementation of a CES Limited Framework and related Policies, developed and approved by the Principal of a Sandhurst Catholic School to fulfil the policy requirements in a particular School in accordance with this Framework.</p>
<p>Relevant Person</p>	<p>Relevant Person means:</p> <ul style="list-style-type: none"> • where a student is living with his or her parent/s, is under 18 years of age and is not considered a mature minor –

	<ul style="list-style-type: none"> ○ a parent ○ an adult nominated by the parent ○ an adult from the suitable person list. <ul style="list-style-type: none"> • where a student is in out-of-home care – <ul style="list-style-type: none"> ○ a parent ○ an adult who is residing with, and providing care to, the child in the out-of-home care arrangement or ○ an adult from the suitable person list. • where a student is considered a mature minor – <ul style="list-style-type: none"> ○ an adult nominated by the student ○ an adult from the suitable person list.
Sandhurst Catholic school	Means a school which operates with the consent of the Bishop of the Catholic Diocese of Sandhurst and is owned, operated and governed by CES Limited, where formation and education are based on the principles of Catholic doctrine, and where the teachers are outstanding in true doctrine and uprightness of life
Support Person	<p>Someone that the parent(s)/carer(s)/relevant person can nominate to act in the student's best interests and who may speak on their behalf. A support person cannot make a decision for the student.</p> <p>A support person may assist parent(s)/carer(s)/relevant person:</p> <ul style="list-style-type: none"> • understand what is going during the meeting • interpret for the parent if they do not speak or understand English. <p>The support person's details must be provided to the Principal prior to a meeting.</p>
Suspension	<p>Suspension occurs when a student's attendance at school has been temporarily withdrawn on the authority of the principal, for a set period of time.</p> <p>Suspension allows the parties involved to reflect on and enter into dialogue about the behaviour and circumstances that have led to the suspension, and to plan and/or review learning and behaviour supports to assist a student to engage positively with school and learning.</p>
Vulnerable Student and Families	<p>The CES Limited Board requires that the Principal of each school considers the special provisions that may apply where vulnerable students and families are concerned, in determining whether to instigate processes associated with suspension, negotiated transfer or expulsion. Considerations include:</p> <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander Students. When considering a suspension, negotiated transfer or expulsion of an Aboriginal or Torres Strait Islander student, a Principal is required

	<p>to notify the Assistant to the Executive Director: Pastoral Wellbeing to support the school and the family to find the best outcome for the student and also connect the school and family to any local or regional resources to assist.</p> <ul style="list-style-type: none">• Students with Disability. When responding to behaviour concerns associated with a student with a disability, consideration must be given to the requirements of the Equal Opportunity Act 2010 (Vic.), Disability Discrimination Act 1992 (Cth) and Disability Standards for Education 2005 (Cth). The Principal is required to notify the CES Limited Assistant to the Executive Director: Pastoral Wellbeing when considering the suspension, negotiated transfer or expulsion for a student with a disability to discuss supports.• Student from Culturally and Linguistically Diverse Communities (CALD). When considering the suspension, negotiated transfer or expulsion of a student from within a CALD community, the Principal is required to notify the CES Limited Assistant to the Executive Director: Pastoral Wellbeing to discuss supports.• Students in Out-of-Home Care. When considering the suspension, negotiated transfer or expulsion of a student living in Out-of-Home Care, the Principal is required to notify the Regional General Manager and consult with the CES Limited Assistant to the Executive Director: Pastoral Wellbeing to discuss supports.• Students with Mental Health concerns. When considering the suspension, negotiated transfer or expulsion of a student presenting with mental health concerns, the Principal should ensure that he/she is working with the family and relevant health professionals to ensure a thorough understanding of all issues. The Principal is required to notify the CES Limited Assistant to the Executive Director: Pastoral Wellbeing to discuss supports.
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7. Policy Statement

As the owner and operator of Sandhurst Catholic Schools, CES Limited is responsible for ensuring that all schools comply with the requirements of the Suspension, Negotiated Transfer and Expulsion of Students Framework by:

- ensuring that the Framework that the steps for managing suspensions, negotiated transfer and expulsion are clear
- ensuring that the policy and procedures are communicated to parents, guardians and students
- ensuring that there are procedures for maintaining a register of suspensions and expulsions

- ensuring that Sandhurst Catholic Schools follow this Framework.

8. Principles

Guiding principles for instigating suspension, negotiated transfer or expulsions in Schools include:

Fairness

All students and staff have the right to be treated fairly and with dignity in an environment that is safe, free from disruption, intimidation, harassment and discrimination. To achieve this, all schools must maintain high standards of student behaviour.

There will be cases of unacceptable behaviour where it will be in the best interests of the school community and/or the student involved for the student to be removed from the school for a period of time or completely. Suspension, negotiated transfer and expulsion are options available to the principal in these extenuating circumstances.

Ongoing learning

Schools must ensure that, where practicable, prior to, and during processes of, suspension, negotiated transfer and expulsion:

- the appropriate personalised learning and behaviour support strategies have been used and documented
- the appropriate support personnel available within the school, CES Limited and externally have been involved.

Collaboration and genuine engagement between CES Limited, school staff, students and parent(s)/carer(s) are an important features of behaviour support in schools. All should be fully aware of the school's wellbeing and behaviour support policies and practices.

Supporting vulnerable students

In implementing a suspension, negotiated transfer or expulsion, the Principal will consider the special provisions that may apply where vulnerable students and families are concerned, notify the CES Limited Assistant to the Executive Director: Pastoral Wellbeing as outlined in this Framework. These include students:

- of Aboriginal and Torres Strait Islander descent
- with disabilities
- from culturally and linguistically diverse backgrounds
- in out-of-home care
- presenting with mental health concerns.

Diversity and equity

When responding to behaviour concerns associated with a student with a disability, consideration must be given to the requirements of the [Equal Opportunity Act 2010](#) (Vic.)

[Disability Discrimination Act 1992](#) (Cth) and [Disability Standards for Education 2005](#) (Cth). These require that reasonable adjustments are provided to support students with a disability to access and participate in education on the same basis as other students.

Transparency and voice

Should parent(s)/carer(s) require a support person in order to participate fully in the suspension, negotiated transfer or expulsion process, a suitable person may be involved e.g. a member of a [Local Aboriginal Education Consultative Group](#), an interagency support worker, staff from [Victorian Aboriginal Child Care Agency](#) (VACCA) or Victorian Aboriginal Education Association Incorporated <https://www.vaeai.org.au/> (VAEAI). The responsibility for organising a support person rests with the student or parent(s)/carer(s).

The Principal must ensure that records are made and retained of any action taken in relation to behaviour support or interventions put in place for the student and, if deemed necessary, the implementation of suspension, negotiated transfer or expulsion processes.

In determining whether a student's behaviour is serious enough to warrant suspension, negotiated transfer or expulsion, the Principal will consider the safety, care and wellbeing of the student, staff and other students and, notify the CES Limited Assistant to the Executive Director: Pastoral Wellbeing and must obtain approval to the extent required in this Framework. In such circumstances, the interests of the students will be balanced against the duty of care to, and the rights of, all members of the school community, and the legal obligations to, as far as reasonably practicable, provide and maintain a working environment that is safe and without risk to health.

Where requested, the Principal will assist the parent(s)/carer(s)/relevant person to access to counselling for the student.

9. Framework

Legislative requirements

This Framework and incorporated Policies and Procedures reflect the mandatory requirements imposed on Sandhurst Catholic Schools under the [ETR Act](#).

School specific Procedures and Guidelines

Each Sandhurst Catholic school may develop Procedures and Guidelines in compliance with this Framework and related Policies.

Any Procedure or Guideline approved by the Principal of a Sandhurst Catholic school in accordance with this Framework must be consistent with this Framework.

Any Procedure or Guideline developed under this Framework must be intended to support the application of this Framework and related Policies in a particular Sandhurst Catholic school.

Application of Framework

All Principals of Sandhurst Catholic schools are to ensure application of this Framework and related Policies, Procedures and Guidelines, in compliance with, and within the parameters of, this Framework.

Roles, delegations and authorities

Approval Authority

CES Limited Board

Responsible Officers

The Executive Director

Sandhurst Catholic School Principals

Transparency and Fairness

An up-to-date version of all prescribed Policies, Procedures forming part of this Framework must be maintained on the website of each Sandhurst Catholic school at all times.

A Principal of a Sandhurst Catholic school must ensure transparent, fair and supportive processes in compliance with this Framework.

A Principal of a Sandhurst Catholic school is responsible for ensuring full and accurate reporting and obtaining required approvals in accordance with the requirements under this Framework.

Record Keeping

A Principal of a Sandhurst Catholic school must ensure that its School complies with this Framework and related Policies in customising any Policies and Procedures forming part of this Framework in the manner prescribed in this Framework, including with the branding of the School logo.

Records of all reporting and approvals made and obtained under this Framework are to be kept in a secure manner indefinitely and in accordance with the [Public Records Act \(Vic\) 1973](#).

Review

The Board will review this Framework every three years or more frequently if necessary.

The Board must communicate any changes made to this Framework to the Principals of Sandhurst Catholic schools as soon as possible.