

Suspension, Expulsion and Negotiated Transfer Policy and Procedures



Diocese of Sale
Catholic Education Ltd

Inspiring *Faith* Inspiring *Learning*

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SUSPENSION, NEGOTIATED TRANSFER AND EXPULSION POLICY

1.0 INTRODUCTION

One of the distinguishing characteristics of the Catholic school, as part of its evangelising mission, is the respect it holds for the dignity of all human persons.

Therefore, Diocese of Sale Catholic Education Limited (DOSCEL) holds that the development and promotion of high-quality relationships among all members of the school community are best achieved within environments that are safe, supportive, inclusive and empowering. In accordance with this belief, values to be promoted within a Catholic school's understanding and practice of pastoral care and behaviour management include love, respect, compassion, tolerance, forgiveness, reconciliation and justice.

The conduct of students as members of the school community is expected to align with these beliefs.

Working in partnership with parents and guided by values of justice, equity, integrity, respect and compassion, approaches to behaviour management in Catholic schools are underpinned by the belief that 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.

2.0 PURPOSE

Every student in a Catholic school deserves a safe and positive learning experience where they are engaged and supported to reach their full potential.

DOSCEL's Policy and Procedures for Suspension, Negotiated Transfer and Expulsion defines grounds and procedures that must be followed by School Leadership prior to suspending, expelling or negotiating an education transfer of students in Catholic schools. It must be interpreted within the context of the law and applied under the Charter of Human Rights and Responsibilities. This means that DOSCEL's Policy and Processes for Suspension, Negotiated Transfer and Expulsion must be complied with in a manner which is consistent with the Charter.

The DOSCEL Whole School Approach to Positive Behaviour Support outlines expectations and recommended procedures for schools. The Approach supports the development of school policies and processes to promote positive student behaviour and respond to challenging student behaviour. In addition to this, the DOSCEL Behaviour Management Policy sets out that schools will implement behaviour management policies, procedures and processes that are underpinned by whole school positive behaviour approaches and comply with relevant legislation.

It is always preferable for in-school adjustments to be implemented to develop positive student behaviour. On occasions where a student's actions may compromise the health, safety and wellbeing of other students and staff at the school, a principal may consider suspension, negotiated transfer or the expulsion of a student. When a principal activates procedures for suspension, negotiated transfer or the expulsion, it is vital that transparent, fair and supportive processes, along with appropriate checks, are in place.

3.0 DEFINITIONS

3.1 Suspension

When a student's attendance at school has been temporarily withdrawn for a set period of time. 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.

3.2 Negotiated transfer

When all other pastoral support, interventions 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 means a documented and mutually agreed move to another school is arranged. A negotiated transfer ends the enrolment agreement with the first school and requires enrolment in the new school.

3.3 Expulsion

Expulsion occurs when, following approval by the Chief Executive Officer of DOSCEL, Director of Catholic Education, Diocese of Sale, a student's attendance at their current school is permanently withdrawn by the principal. Expulsion involves the termination of the contract entered into at the time of the enrolment by the parent(s)/carer(s)/relevant person. The principal, wherever possible, will work with the student and their parent(s)/carer(s)/relevant person to arrange enrolment with another school.

3.4 Compulsory school age

It is compulsory for children and young people aged between six and 17 years of age to be enrolled in a Victorian school by their parents/guardians, unless an exemption has been granted.

Students of compulsory age are only permitted to leave school if an exemption is in place or if they are registered for home schooling. In the case of students who are of post-compulsory school age, a wider range of options might be considered, including transitioning to the workforce, or to a higher education or training institute. Any application for exemption from school should be developed in consultation with the Director of Catholic Education, Diocese of Sale.

3.5 Mature Minor

DOSCEL 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 are legally recognised as adults. 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. In such scenarios, the principal should, in the first instance, seek advice from the Director of Catholic Education, Diocese of Sale prior to determining whether a student is a 'mature minor'.

3.6 Relevant Person

Relevant person means:

- a) where a student is living with his or her parent/s, is under 18 years of age and is not considered a mature minor –
 - a. a parent;
 - b. an adult nominated by the parent; or
 - c. an adult from the suitable person list;
- b) where a student is in out of home care –
 - a. a parent;
 - b. an adult who is residing with, and providing care to, the child in the out of home care arrangement; or
 - c. an adult from the suitable person list;
- c) where a student is considered a mature minor –
 - a. an adult nominated by the student; or
 - b. an adult from the suitable person list.

3.7 Vulnerable Students and Families

DOSCEL expects that all schools will consider the special provisions that may apply where vulnerable students and families are concerned, prior to determining whether to instigate processes associated with suspension, negotiated transfer or expulsion.

Considerations include:

- **Aboriginal and Torres Strait Islander Students.** When considering a suspension for an Aboriginal or Torres Strait Islander student, a principal should notify the Manager: Learning and Teaching to contribute to support and planning.
- **Students with Disability.** When considering suspension for a student with a disability, a principal should notify the Manager: Learning and Teaching to contribute to support and planning.
- **Student from Culturally and Linguistically Diverse Communities (CALD).** When considering suspension for a student from within a CALD community, a principal should notify the Manager: Learning and Teaching to contribute to support and planning.
- **Students in Out of Home Care.** When considering suspension for a student living in Out of Home Care, a principal should notify the Manager: Learning and Teaching to contribute to support and planning.
- **Students with mental health concerns.** When considering suspension for a student presenting with mental health concerns, a principal should ensure that they are working with the family and relevant health professionals to ensure a thorough understanding of all issues. A principal should also notify the Manager: Learning and Teaching to contribute to support and planning.
- **Students whose wellbeing and safety may be at risk, including in the context of family violence.** When considering suspension of a student whose wellbeing and safety may be at risk, a principal must ensure the school complies with any obligations under child safety legislation and related schemes, including with respect to information sharing under the Child Information Sharing Scheme (CISS), Family Violence Information Sharing Scheme (FVISS) and the principles outlined in the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM). For further information, see: [Child Information Sharing Scheme Ministerial Guidelines](#), [Family Violence Information Sharing Guidelines](#), [Family Violence Multi-Agency Risk Assessment and Management Framework](#) and [Information Sharing and Family Violence Reforms Contextualised Guidance](#).

4.0 PRINCIPLES

4.1 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 school for a period of time, or completely. Suspension, negotiated transfer and expulsion are options available to the principal in these extenuating circumstances.

4.2 Ongoing learning

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

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

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

4.3 Supporting vulnerable students

In implementing suspension, negotiated transfer or expulsion procedures, the principal will consider the special provisions that may apply where vulnerable students and families are concerned. 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
- whose wellbeing or safety may be at risk, including students who may be at risk of family violence.

4.4 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), *Disability Standards for Education 2005* (Cth) and *Charter of Human Rights and Responsibilities Act 2006* (Vic). These Acts 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.

4.5 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 support person may be involved. 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. In such circumstances, the interests of the student shall be balanced against the common good.

5.0 PROCEDURES

- 5.1** DOSCEL sets out the policy and procedures for suspension, negotiated transfer and expulsion for use in schools in which it governs.
- 5.2** Procedures for suspension, negotiated transfer and expulsion are set out in this document;
- Procedures for Suspension in a Catholic School
 - Procedures for Negotiated Transfer in a Catholic School
 - Procedures for Expulsion in a Catholic School
- 5.3** Catholic schools in the Diocese of Sale will implement behaviour management policies, procedures and processes that are underpinned by the DOSCEL Whole School Approach to Positive Behaviour Support approaches and that comply with relevant legislation.
- 5.4** Catholic schools in the Diocese of Sale will implement the DOSCEL Policy and Procedures for Suspension, Negotiated Transfer and Expulsion in conjunction with the school's behaviour management, child safety and protection, critical incident and pastoral care policies.

6.0 EXPECTED OUTCOMES

- 6.1** Catholic schools in the Diocese of Sale will adhere to the DOSCEL Policy and Procedures for Suspension, Negotiated Transfer and Expulsion.
- 6.2** Schools will provide a safe and supportive environment for staff, students and members of the community.
- 6.3** Schools will clearly document their school wide expectations, the processes for determining behaviour consequences, and intensive support plans for students.
- 6.4** DOSCEL and school community members will work respectfully and collaboratively with families and communities.

7.0 REFERENCES

- Diocese of Sale Catholic Education Limited (2016). *Whole School Approach to Positive Behaviour Support: Universal*. Warragul: Diocese of Sale Catholic Education Limited.
- Diocese of Sale Catholic Education Limited (2017). *Critical Incident Response and Management Manual*. Warragul: Diocese of Sale Catholic Education Limited.
- Diocese of Sale Catholic Education Limited (2019). *Whole School Approach to Positive Behaviour Support: Intensive*. Warragul: Diocese of Sale Catholic Education Limited.
- Department of Education and Training (2016). *Child Safe Standards – Managing the Risk of Child Abuse in Schools Ministerial Order No. 870, Education & Training Reform Act 2006, Gazette No. S2*, accessed 16 May 2016 from www.gazette.vic.gov.au/gazette/Gazettes2016/GG2016S002.pdf

Department of Education and Training (2018a). *Expulsion Process*. Accessed on 20 May 2019 from: <https://www.education.vic.gov.au/school/teachers/behaviour/suspension-expulsion/Pages/expulsionprocess.aspx>

Department of Education and Training (2018b). *Suspension Process*. Accessed on 20 May 2019 from: <https://www.education.vic.gov.au/school/teachers/behaviour/suspension-expulsion/Pages/inschoolsuspension.aspx#link2>

CISS, FVISS and MARAM

- [Child Wellbeing and Safety Act 2005 \(Vic.\)](#)
- [Child Wellbeing and Safety \(Information Sharing\) Regulations 2018](#)
- [Family Violence Protection Act 2008 \(Vic.\)](#)
- [Family Violence Protection \(Information Sharing\) Regulations 2018](#)
- [Child Information Sharing Scheme Ministerial Guidelines](#)
- [Family Violence Information Sharing Guidelines](#)
- [Family Violence Multi-Agency Risk Assessment and Management Framework](#)
- [Information Sharing and Family Violence Reforms Contextualised Guidance](#)

8.0 RELATED POLICIES

- DOSCEL Behaviour Management Policy
- DOSCEL Child Protection and Safety Policy
- DOSCEL Critical Incident Management Policy
- DOSCEL Pastoral Care Policy

9.0 REVIEW

Implementation Date: May 2020

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Procedures for the Suspension of a Student in a Catholic School

Suspension Suspension occurs when a student's attendance at school has been temporarily withdrawn for a set period of time. 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.

Suspension in the context of this procedure is defined in two ways:

1. **Internal suspension** - the student is excluded from the standard instruction or educational opportunities being provided to other students, but can still undertake education activities on the school premises for the period of the suspension in the form of:
 - a. *Detention* – the student is withdrawn from scheduled activities for a specified period of time, either during breaks or after school.
 - b. *In-school suspension* – the student may be present at school but not participating / attending scheduled classes or activities for a specified period of time.

In-school suspensions should focus on encouraging the student to exhibit more positive behaviours, to increase their level of participation and, where appropriate, to learn problem solving and/or conflict resolution skills.

2. **External (out of school) suspension:** - the student's right to attend school has been withdrawn for a defined period of time. Responsibility for the student's safety and welfare during this time is transferred to the parent(s)/carer(s)/relevant person. The student is not to be on the school premises during the period of suspension.

An external (out of school) suspension is designed to allow a period of time when the school, parent(s)/carer(s)/relevant person(s) and the student involved can work together on the resolution of the problem that has led to the student's suspension.

Authority for Suspension

Only the principal (and the Deputy Director for suspensions greater than three days) has the authority to suspend a student from the school of which he/she is principal. A principal may not delegate his or her power to suspend a student while on the school premises.

If the principal is off the school premises, the responsibility can be delegated to the Deputy Principal or the next senior person on staff. A principal must inform the person prior to departing the premises that they have the responsibility to act on behalf of the principal. The principal holds ultimate responsibility for ensuring all processes associated with suspension are followed correctly.

Grounds for Suspension

Only the principal has authority to suspend a student if the student:

- a) behaves in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person;
- b) causes significant damage to or destruction of property;
- c) commits, attempts to commit, or is knowingly involved in the theft of property;
- d) possesses, uses or sells, or deliberately assists another person to possess, use or sell illicit substances or weapons;
- e) fails to comply with any clear and reasonable instruction of a staff member so as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person;
- f) consistently engages in behaviour that vilifies, defames, degrades or humiliates another;
- g) consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student.

Suspension only applies if the student is engaged in the behaviour referred to above while at school or travelling to or from school or while engaged in any school activity away from school (including travel to and from that activity).

Note: *Some wrongful behaviours of a serious nature are by definition criminal offences. These may include criminal damage of property, possession of a weapon, theft, assault with weapons, use, possession or distribution of drugs, sexual assault. This list is indicative only and not exhaustive.*

When a principal determines that a serious criminal offence has occurred, the school needs to be mindful of all its duties of care, including those owed to students who are victims or offenders, and staff. The incident should be reported to the police at the earliest opportunity.

Process for Suspension

- 1.1 In determining whether to suspend a student, the principal must ensure that suspending the student is appropriate to:
 - a) the behaviour for which the student is being suspended;
 - b) the educational needs of the student;
 - c) any disability of the student;
 - d) the age of the student;
 - e) the residential and social circumstances of the student (including any risks to the student's wellbeing and safety or any risk of family violence).
- 1.2 The principal must inform the Manager: Learning and Teaching that suspension is being considered if the student belongs to one or more of the following cohorts:
 - a) Aboriginal and Torres Strait Islander
 - b) has a disability
 - c) is from a CALD background
 - d) lives in out of home care
 - e) presents with mental health issues
 - f) is at risk of harm to their wellbeing or safety, including any risk of family violence.

- 1.3 Before implementing a suspension, the principal must ensure that:
- the student has had the opportunity to be heard;
 - any information or documentation provided by the student or their relevant person has been taken into account in making the decision regarding suspension; and
 - other forms of action to address the behaviour for which the student is being suspended have been considered.
- 1.4 Prior to suspension taking effect, or on the day of implementing a suspension with immediate effect, the principal must:
- identify the relevant person;
 - give verbal notification to the student and notify the relevant person via telephone or in person of the reason/s for the suspension, the school days on which the suspension shall occur, and where the suspension will occur;
 - provide contact details for additional support services to the student and their relevant person, as appropriate;
 - where the student is suspended for three days or less, provide meaningful work;
 - where the student is suspended for more than three days, develop a **Student Absence Learning Plan (Appendix 1)** and an **Intensive Support Plan** (if required).
 - provide the student and their relevant person with a **Notice of Suspension (Appendix 4)** which must include:
 - the reason/s for suspension; and
 - the school days on which the suspension shall occur
 - copies of the **Student Absence Learning Plan** and the **Intensive Support Plan** (if required).
- 1.5 The principal may implement a suspension with immediate effect if the student's behaviour is such that they are putting the health, safety and wellbeing of themselves, or any other person, at significant risk.
- 1.6 Where a principal implements a suspension with immediate effect, the principal may determine to expel the student while the student is on suspension, in line with *Procedures for Expulsion in a Catholic School*.
- 1.7 Where the principal implements a suspension with immediate effect, the principal has a duty of care to provide supervision of the student:
- until the student is collected by a parent or a person chosen as an emergency contact for the student by the parent;
 - if the student is in out of home care, until the student is collected by an adult who is residing with, and providing care to, the student; or
 - until the end of the school day; or
 - in the case of a school camp or excursion, if paragraphs (a) or (b) do not apply, until the end of the camp or excursion.
- 1.8 Where the principal has implemented a suspension with immediate effect, due to student behaviour that has put the health, safety and wellbeing of themselves, or any other person at significant risk, the principal should consider if a critical incident has taken place and enact an appropriate response (see *DOSCEL Critical Incident Management and Response*).

Period of Suspension

- 2.1 The maximum continuous period of time a student can be suspended at any given time is **three school days**, unless a longer period is approved by the Deputy Director. The principal must submit the ***Application for Approval of More Than 3 Consecutive Days of Suspension (Appendix 2)***.
- 2.2 Where a principal implements a suspension with immediate effect and is considering whether to expel the student, the principal may request written approval from the Deputy Director for a period of suspension of greater than three days for the purpose of undertaking the expulsion procedures.
- 2.3 A student cannot be suspended for **more than 15 school days** in a school year without written approval from the Deputy Director. The principal must submit the ***Application for Approval of More Than 15 days Suspension (Appendix 3)***.
- 2.4 If a student is suspended for a period which is longer than the days left in the term, the principal should consider the likely disruption to the student's learning before imposing a suspension that will continue into the following term.
- 2.5 If a student has been suspended for 15 school days in a school year, an expulsion is not an automatic consequence.

Re-Entry Meeting

- 3.1 A re-entry meeting must be conducted with the parent(s)/carer(s)/relevant person before the student's return to school. The student should be present.
- 3.2 The principal will inform the parent(s)/carer(s)/relevant person about who will be in attendance at the re-entry meeting.
- 3.3 The parent(s)/carer(s)/relevant person may request that a support person attend the re-entry meeting with them. The support person may provide emotional support and reassurance. They are not an advocate. The support person's details must be provided to the principal prior to the meeting.
- 3.4 The principal may decide to extend the suspension if the re-entry meeting does not meet the desired outcomes.

Record Keeping

- 4.1 All records pertaining to any incident involving suspension must be carefully recorded, filed and retained.
- 4.2 The school must maintain a register of suspensions.
- 4.3 DOSCEL may seek information from schools on the number, reasons for and frequency of suspensions pertaining to students.
- 4.4 DOSCEL and Schools may be required or authorised to share records with other prescribed Information Sharing Entities (ISEs) under the Child Information Sharing Scheme (CISS) or Family Violence Information Sharing Scheme (FVISS), in line with the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM). Other ISEs include Victoria Police and family violence specialist services.

For further information, see: [Information Sharing and Family Violence Reforms Contextualised Guidance](#), [Child Information Sharing Scheme Ministerial Guidelines](#), [Family Violence Information Sharing Guidelines](#), and [Family Violence Multi-Agency Risk Assessment and Management Framework](#).

Supporting Documentation

- Appendix 1: Student Absence Learning Plan
- Appendix 2: Application for Approval of More Than 3 Consecutive Days of Suspension
- Appendix 3: Application for Approval of More Than 15 Days Suspension
- Appendix 4: Notice of Suspension
- Appendix 5: Flowchart for Suspension
- Appendix 6: Checklist for Suspension

Procedures for the Negotiated Transfer of a Student in a Catholic School

Negotiated Transfer

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.

Negotiated Transfer means that a documented and mutually agreed move to another school is arranged. This may be considered as a way of giving a student a 'fresh start'.

A negotiated transfer of a student can only be authorised by the principal and will only be considered when:

- unacceptable behaviour has risen to a level where continued enrolment of that student at the current school is not in their educational interests or the interests of others in the school community
- the interventions put in place to support the student in the current school have not resulted in a positive change in behaviour.

In such circumstances, the principal will consult with the relevant Deputy Director, the student and their parent(s)/carer(s)/relevant person on appropriate alternative school settings and, where possible, arrange enrolment with another school. A negotiated transfer ends the enrolment agreement with the first school and requires enrolment in the new school.

Authority for Negotiated Transfer

Only the principal has the authority to negotiate a transfer for a student from the school of which he/she is principal. A principal may not delegate his or her power to negotiate a transfer for a student while on the school premises.

If the principal is off the school premises, the responsibility can be delegated to the Deputy Principal or the next senior person on staff. A principal must inform the person prior to departing the premises that they have the responsibility to act on behalf of the principal.

The principal holds ultimate responsibility for ensuring all processes associated with a negotiated transfer of a student are followed correctly.

Grounds for Negotiated Transfer

Only the principal has authority to arrange a negotiated transfer for a student if the student:

- a) behaves in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person;
- b) causes significant damage to or destruction of property;
- c) commits, attempts to commit, or is knowingly involved in the theft of property;
- d) possesses, uses or sells, or deliberately assists another person to possess, use or sell illicit substances or weapons;

- e) fails to comply with any clear and reasonable instruction of a staff member so as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person;
- f) consistently engages in behaviour that vilifies, defames, degrades or humiliates another;
- g) consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student.

Negotiated transfer will only be considered if the student is engaged in the behaviour referred to above while at school or travelling to or from school or while engaged in any school activity away from school (including travel to and from that activity).

Note: *Some wrongful behaviours of a serious nature are by definition criminal offences. These may include criminal damage of property, possession of a weapon, theft, assault with weapons, use, possession or distribution of drugs, sexual assault. This list is indicative only and not exhaustive.*

When a principal determines that a serious criminal offence has occurred, the school needs to be mindful of all of its duties of care, including those owed to students who are victims or offenders, and staff. The incident should be reported to the police at the earliest opportunity.

Process for Negotiated Transfer

- 1.1 The principal must identify the relevant person.
- 1.2 The principal must inform the Deputy Director that negotiated transfer is being considered if the student belongs to one or more of the following cohorts:
 - a) Aboriginal and Torres Strait Islander
 - b) has a disability
 - c) is from a CALD background.
 - d) lives in out of home care
 - e) presents with mental health issues
 - f) is at risk of harm to their wellbeing or safety, including any risk of family violence.

Meeting

- 1.3 The principal is required to meet with the parent(s)/carer(s)/relevant person and student.
- 1.4 In the meeting, the principal is required to:
 - a) advise the student and their parent(s)/carer(s)/ relevant person that they are considering a negotiated transfer;
 - b) outline the grounds for the negotiated transfer that are being considered and the evidence to support a finding that the student has engaged in relevant conduct;
 - c) ensure that the student and their parent(s)/carer(s)/ relevant person has the opportunity to be heard;
 - d) provide comprehensive advice to the student and parent(s)/carer(s)/relevant person about the potential options and the benefits a negotiated transfer would provide;
 - e) seek agreement from the student and parent(s)/carer(s)/relevant person for a negotiated transfer;
 - f) if a negotiated transfer is desired but cannot be arranged, the principal is to inform the Deputy Director to request further assistance.

Decision regarding negotiated transfer

- 1.5 Before arranging a negotiated transfer for a student, the principal must:
- a) properly, fairly and without bias consider all of the relevant matters, including the impact of the behaviour of the student on other affected parties;
 - b) determine whether a negotiated transfer is appropriate having regard to:
 - the behaviour for which the student is being transferred;
 - the educational needs of the student;
 - any disability of the student;
 - the age of the student;
 - the wellbeing and safety of the student;
 - the magnitude and impact of the student's actions; and
 - the residential and social circumstances of the student (including any risks to the student's wellbeing and safety and any risk of family violence).
- 1.6 The principal must ensure that any information or documentation provided to by the student or their relevant person has been taken into account in making the decision regarding negotiated transfer. This includes any information received or shared under the Child Information Sharing Scheme (**CISS**) or Family Violence Information Sharing Scheme (**FVISS**). Where relevant, decisions must be made in line with the principles in the Family Violence Multi-Agency Risk Assessment and Management Framework (**MARAM**). For further information, see: [Information Sharing and Family Violence Reforms Contextualised Guidance](#), [Child Information Sharing Scheme Ministerial Guidelines](#), [Family Violence Information Sharing Guidelines](#), and [Family Violence Multi Agency Risk Assessment and Management Framework](#).
- 1.7 The principal must be satisfied that there have been sufficient interventions and strategies used prior to the decision to consider a negotiated transfer, and that documented evidence of exists of those interventions.
- 1.8 If, in the course of the decision-making process, the Deputy Director or the principal consider that there is cause for concern regarding the wellbeing and safety of a child or a group of children or regarding a risk of family violence, consideration should be given to whether a request for information should be made under the CISS or FVISS, or whether any information should be voluntarily provided to another prescribed Information Sharing Entity (**ISE**) under the CISS or FVISS. Decisions regarding information sharing must be made in accordance with the MARAM. Other ISEs include Victoria Police and family violence specialist services.

Process Following Negotiated Transfer

- 2.1 Once a decision to proceed with negotiated transfer has been determined, the principal must provide the student and parent(s)/carer(s) or relevant person with a **Notice of Negotiated Transfer (Appendix 7)**, which must include:
- a) why a change to another setting is being proposed;
 - b) the school/other setting that would provide an educational program suited to the student's needs, abilities and aspirations;
 - c) the date of the commencement of the transfer; and
 - d) any additional considerations to support the transition.

- 2.2 In the case of a student of compulsory school age, that is, between six and 17 years of age, the principal must ensure that the student is participating as soon as practicable in one or more of the following options:
- a) enrolled in another registered school
 - b) enrolled at a registered training organisation;
 - c) engaged in employment (refer to 'Exemptions from School Attendance or Enrolment')
<https://www.education.vic.gov.au/school/principals/spag/participation/Pages/attendanceexemption.aspx>).
- 2.3 The principal must provide the student with meaningful work, and monitor the completion of that work, until one of the options in 2.2 is exercised.
- 2.4 In the case of a student beyond compulsory school age, that is, over 17 years of age, the principal should provide the student and their parent(s)/carer(s) or relevant person with information about other schools, registered training organisations, or employment agencies that may provide suitable opportunities for the student. The principal must be satisfied that the student is engaged in a suitable educational or employment pathway.
- 2.5 The student is to remain enrolled at their current school until the negotiated transfer process is completed, unless the circumstances are such as to require expulsion.
- 2.6 During the negotiated transfer process, if a student is suspended from school, they must be provided with:
- a) appropriate and meaningful work this is monitored to support ongoing engagement with learning until one of the options in 2.2 is exercised;
 - b) appropriate wellbeing support, including counselling as deemed relevant, and in consultation with parent(s)/carer(s) or relevant person.

Record Keeping

- 3.1 All records pertaining to any incident involving a negotiated transfer must be carefully recorded, filed and retained.
- 3.2 DOSCEL may seek information from schools on the number, reasons for and frequency of negotiated transfers of students.
- 3.3 DOSCEL and Schools may be required or authorised to share records with other ISEs under the CISS or FVISS.

Supporting Documentation

- Appendix 7: Notice of Negotiated Transfer
- Appendix 8: Flowchart for Negotiated Transfer
- Appendix 9: Checklist for Negotiated Transfer

Procedures for the Expulsion of a Student in a Catholic School

Expulsion

The expulsion of a student from a Catholic school should only be considered in exceptional circumstances.

Expulsion occurs when, following approval of the Director of Catholic Education, Diocese of Sale, Chief Executive Officer of DOSCEL, a student's attendance at their current school is permanently withdrawn by the principal.

Expulsion involves the termination of the contract entered into at the time of the enrolment by the parent(s)/carer(s)/relevant person.

Wherever possible, the principal will work with the student and their family to arrange enrolment with another school.

Authority for Expulsion

Only the principal has the authority to expel a student from the school of which he/she is principal. A principal may not delegate his or her power to expel a student.

The principal holds the ultimate responsibility for ensuring all processes associated with expulsion are followed correctly.

The Principal must seek approval from the Director of Catholic Education, Diocese of Sale, Chief Executive Officer of DOSCEL for expulsion of a student.

Grounds for Expulsion

Only the principal has authority to expel a student, if the student:

- a) behaves in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person;
- b) causes significant damage to or destruction of property;
- c) commits, attempts to commit, or is knowingly involved in the theft of property;
- d) possesses, uses or sells, or deliberately assists another person to possess, use or sell illicit substances or weapons;
- e) fails to comply with any clear and reasonable instruction of a staff member so as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person;
- f) consistently engages in behaviour that vilifies, defames, degrades or humiliates another;
- g) consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student.

Expulsion will only be considered if the student is engaged in the behaviour referred to above while at school or travelling to or from school or while engaged in any school activity away from school (including travel to and from that activity).

Note: *Some wrongful behaviours of a serious nature are by definition criminal offences. These may include criminal damage of property, possession of a weapon, theft, assault with weapons, use, possession or distribution of drugs, sexual assault. This list indicative only and not exhaustive.*

When a principal determines that a serious criminal offence has occurred, the school needs to be mindful of all its duties of care, including those owed to students who are victims or offenders, and staff. The incident should be reported to the police at the earliest opportunity.

Process for Expulsion

Prior to expulsion

- 1.1 The principal must notify the student and their parent(s)/carer(s)/relevant person(s).
- 1.2 The principal must inform the Director of Catholic Education, Diocese of Sale, Chief Executive Officer of DOSCEL that expulsion is being considered if the student belongs to one or more of the following cohorts:
 - a) Aboriginal and Torres Strait Islander
 - b) has a disability
 - c) is from a CALD background
 - d) lives in out of home care
 - e) presents with mental health issues
 - f) is at risk of harm to their wellbeing or safety, including any risk of family violence.

Behaviour Support and Intervention Meeting

- 1.3 The principal must convene a behaviour support and intervention meeting.
- 1.4 The purpose of the behaviour support and intervention meeting is to:
 - a) advise the student and their relevant person that the principal is considering the expulsion of the student;
 - b) ensure all available supports and interventions to support the behaviours of concern are considered for the student;
 - c) outline the grounds for expulsion that are being considered and the evidence to support a finding that the student has engaged in relevant conduct;
 - d) ensure the student and their relevant person have the opportunity to be heard;
 - e) consider the impact of the behaviour of the student on other affected parties; and
 - f) identify the future educational, training and/or employment options most suited to the student's needs and agree on a course of action in the event expulsion is decided.

School Leadership Consultant Engagement & Support

- 1.5 The principal will seek support from their School Leadership Consultant to:
 - a) attend the behaviour intervention and support group meeting, where appropriate;
 - b) ensure all available supports and interventions to support the behaviours of concern are considered for the student;
 - c) ensure that alternative disciplinary measures are considered for the student;
 - d) ensure that the appropriate education, training and/or employment options are considered for the student; and
 - e) assist in implementing the course of action agreed to at the behaviour support and intervention meeting.

Prior to the meeting

- 1.6 Prior to the behaviour support and intervention meeting, the principal must contact the student and their parent(s)/carer(s)/relevant person and advise them of the following:
- a) a copy of the information brochure ***Information for Parents and Carers about School Expulsions (Appendix 10)***;
 - b) the date, time and place for the behaviour support and intervention meeting;
 - c) that they are encouraged to attend the behaviour support and intervention meeting;
 - d) that if the student's parent(s)/carer(s)/relevant person are unable or unwilling to attend, the student may nominate another adult to attend the behaviour support and intervention meeting;
 - e) the matters to be discussed at the behaviour support and intervention meeting, including the impact of key issues on the affected parties;
 - f) the parent(s)/carer(s)/relevant person and/or the student may be accompanied at the behaviour support and intervention meeting by an independent support person of their choice who is not acting for fee or reward; and
 - g) that if the student and their parent(s)/carer(s)/relevant person do not attend the behaviour support and intervention meeting, the meeting may proceed in their absence and, if expulsion is decided, the course of action may be determined without the benefit of hearing from the student and their parent(s)/carer(s)/relevant person.
- 1.7 The principal should determine whether the assistance of an interpreter in any language (including Auslan) is required by any person who is to attend the behaviour support and intervention meeting and arrange for such assistance to be present at the meeting.
- 1.8 When conducting a behaviour support and intervention meeting, the principal must ensure that the meeting is conducted as informally as possible.
- 1.9 If the student and their parent(s)/carer(s)/relevant person do not attend the behaviour support and intervention meeting, the principal must ensure that key points discussed at the meeting are recorded in writing and sent to the student and their parent(s)/carer(s)/relevant person.

Decision regarding expulsion

- 1.10 Before deciding to expel a student, the principal must:
- a) properly, fairly and without bias, consider all of the relevant matters, including the impact of the behaviour of the student on other affected parties;
 - b) determine whether the expulsion is appropriate having regard to:
 - the behaviour for which the student is being expelled;
 - the educational needs of the student;
 - any disability of the student;
 - the age of the student;
 - the wellbeing and safety of the student;
 - the magnitude and impact of the student's actions; and
 - the residential and social circumstances of the student (including any risks to the student's wellbeing and safety and any risk of family violence).
- 1.11 Ensure that any information or documentation provided by the student or their parent(s)/carer(s)/relevant person or third party has been taken into account when making the decision regarding expulsion. This includes any information received or shared under the Child Information Sharing Scheme (CISS) or Family Violence Information Sharing Scheme (FVISS). Where relevant, decisions must be made in line with the principles in the Family Violence

Multi-Agency Risk Assessment and Management Framework (MARAM). For further information, see: [Information Sharing and Family Violence Reforms Contextualised Guidance](#), [Child Information Sharing Scheme Ministerial Guidelines](#), [Family Violence Information Sharing Guidelines](#), and [Family Violence Multi-Agency Risk Assessment and Management Framework](#).

- 1.12 The principal must complete and submit the **Expulsion Report (Appendix 12)** within two business days of the Behaviour Support and Intervention Meeting to seek approval for expulsion of the student from the Chief Executive Officer of DOSCEL, Director of Catholic Education, Diocese of Sale.
- 1.13 The Chief Executive Officer of DOSCEL, Director of Catholic Education, Diocese of Sale will inform the principal of the outcome within five business days of receiving the *Expulsion Report*.
- 1.14 The principal must notify the student and their parent(s)/carer(s)/relevant person of the decision to expel or not expel the student within two business days after receiving approval or denial from the Chief Executive Officer of DOSCEL, Director of Catholic Education, Diocese of Sale.
- 1.15 If the expulsion is approved, the principal must provide the student and their parent(s)/carer(s)/relevant person with the following documentation:
 - a) **Notice of Expulsion (Appendix 11)** which must state:
 - the ground/s for the expulsion;
 - the reason/s for the expulsion;
 - the date of the commencement of the expulsion; and
 - that the expulsion has been independently reviewed by the Chief Executive Officer of DOSCEL, Director of Catholic Education, Diocese of Sale.
- 1.16 Within one business day of the expulsion taking effect, a copy of the **Notice of Expulsion (Appendix 11)** must be provided to the Chief Executive Officer of DOSCEL, Director of Catholic Education, Diocese of Sale.
- 1.17 Where a decision to not expel a student is made, the student and their parent/carer must be notified within two business days of the Behaviour Support and Intervention Meeting. An **Intensive Support Plan** should be developed as part of a Care Team Meeting (see DOSCEL Whole School Approach to Positive Behaviour Support: Intensive)
- 1.18 If, in the course of the decision-making process, the Chief Executive Officer of DOSCEL, Director of Catholic Education, Diocese of Sale or the principal consider that there is cause for concern regarding the wellbeing and safety of a child or a group of children or regarding a risk of family violence, consideration should be given to whether a request for information should be made under the CISS or FVISS, or whether any information should be voluntarily provided to another prescribed Information Sharing Entity (ISE) under the CISS or FVISS. Decisions regarding information sharing must be made in accordance with MARAM. Other ISEs include Victoria Police and family violence specialist services.
- 1.19 The school must maintain a register of expulsions

Process Following Expulsion

- 2.1 The principal of the expelling school, in collaboration with the Chief Executive Officer of DOSCEL, Director of Catholic Education, Diocese of Sale, must ensure that the student is provided with other educational and development opportunities as soon as practicable after the expulsion.
- 2.2 In the case of a student of compulsory school age, the Chief Executive Officer of DOSCEL, Director of Catholic Education, Diocese of Sale, in collaboration with principal, must ensure that the student is participating in one or more of the following as soon as practicable:
 - a) enrolled at another registered school;
 - b) enrolled at a registered training organisation;
 - c) engagement with an employment agency or other organisations that provides services that support the future employment of the student.
- 2.3 In the case of a student of compulsory school age, the principal must provide the student with meaningful work from the time of the expulsion until the student is participating in one or more of the above options specified in 2.2, and monitor the completion of that work.
- 2.4 The obligations in 2.2 and 2.3 do not apply in cases of an exemption to compulsory school age under section 2.1.5 of the *Education and Training Reform Act (Vic.) 2006* applies.
- 2.5 In the case of a student who is beyond compulsory school age, the Chief Executive Officer of DOSCEL, Director of Catholic Education, Diocese of Sale, in collaboration with the principal, must provide the student and their parent(s)/carer(s)/relevant person with information about other schools or registered training organisations that may provide suitable opportunities for the student, or employment agencies or other organisations that support the future employment of the student.

Supporting Documentation

- Appendix 10: Information for parents and carers about school expulsions
- Appendix 11: Notice of Expulsion
- Appendix 12: Expulsion Report
- Appendix 13: Flowchart for Expulsion
- Appendix 14: Checklist for Expulsion