



Procedure for Suspension, Negotiated Transfer and Expulsion (Students)

St Francis Xavier College procedures are designed to enable the College to enact the policies of the Diocese of Sale Catholic Education Limited (DOSCEL).

All College Procedures intentionally promote a child safe culture which prioritises the safety and wellbeing for all students.

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Definitions

Suspension

When a student's attendance at school has been temporarily withdrawn, on the authority of the principal, for a set period of time.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.

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.

Expulsion

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Chief Executive Officer of DOSCEL, Director of CEO Sale, a student's enrolment at their current school is permanently withdrawn by the principal.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

Procedural Fairness

Students have a right to procedural fairness in dealings that involve their interests. This includes the way that situations are managed when responding to behavioural concerns and disciplinary decisions.

The principles of procedural fairness include the right to:

- know what the rules are, and what behaviour is expected
- have decisions determined by a reasonable and unbiased person
- know the allegations that have been made, and to respond to them
- be heard before a decision is made
- to have a decision reviewed (but not so as to delay an immediate consequences)

St Francis Xavier College is committed to ensuring procedural fairness when working with a student.

Pastoral Care

Pastoral Care is foundational to Catholic faith and tradition. It assists in the cultivation of the spiritual, personal, emotional, physical, academic, moral and social development of young people. Through enacting the principles of Catholic Social Teaching, pastoral care approaches may contribute to the development of a healthy and just society. Pastoral care includes the decisions,

structures and practices established to challenge, nurture and support individuals whilst maintaining the dignity of each one. Pastoral care is the responsibility and the right of all.

Catholic Social Teaching

Dignity of the person

- Unconditional respect underpins all interactions at the College.
- We welcome people of all ability, colour, culture, faith, financial circumstance, gender identity and sexual orientation.

Subsidiarity

- Students will be involved in and central to decisions and actions that impact them.
- Student ideas and experiences will be invited to inform and influence College life.

Common good

- The needs of the community will be considered in all decisions.
- Community members are expected to consider their impact on others.

Preferential Option for the Poor

- Those who face challenges will be provided with the individualised support and access to adjustments and resources required to help them to have to thrive.
- A just and compassionate response will influence all actions.

Vulnerable Group - Students and families experiencing vulnerabilities

The College 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
- Students with Disability
- Students from Culturally and Linguistically Diverse Communities (CALD)
- Students in Out of Home Care (both court ordered and not court ordered)
- 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
- When considering a suspension for vulnerable student, a principal should notify the DOSCEL Manager: Learning and Teaching to contribute to support and planning

Procedure

Step 1: Prevention

St Francis Xavier College is committed to promoting positive behaviour.

The College's Pastoral Care and Positive Behaviour Support Procedure outlines our strategies for promoting positive and prosocial behaviour and preventing antisocial behaviour. It also outlines responses to low level antisocial behaviours that can be managed within the school setting.

Step 2: Regognising and responding to antisocial behaviours

Responding to antisocial behaviours will be managed at the lowest possible level in order to achieve positive outcomes for the student. However, where the nature, severity or duration of the antisocila behaviour warrants it, suspension, negotiated transfer and expulsion is considered.

The DOSCEL check list for Suspension or Negotiated Transfer or Expulsion (as relevant) details the following steps and is used in conjunction with this procedure.

Step 2A: Discerning the need for suspension, negotiated transfer or expulsion

Determine the appropriateness of a suspension as per the grounds for suspension, negotiated transfer and expulsion:

- Behaving in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person
- Causing significant damage to or destruction of property
- Committing or attempting to commit or is knowingly involved in the theft of property
- Possessing, using or selling or deliberately assisting another person to possess, use or sell illicit substances or weapons
- Failing 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
- Consistently engaging in behaviour that vilifies, defames, degrades or humiliates another person
- Consistently behaving in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other studen

Step 2B: Implementing a suspension, negotiated transfer or expulsion
(to be enacted in consultation with the relevant DOSCEL flowchart and checklist)

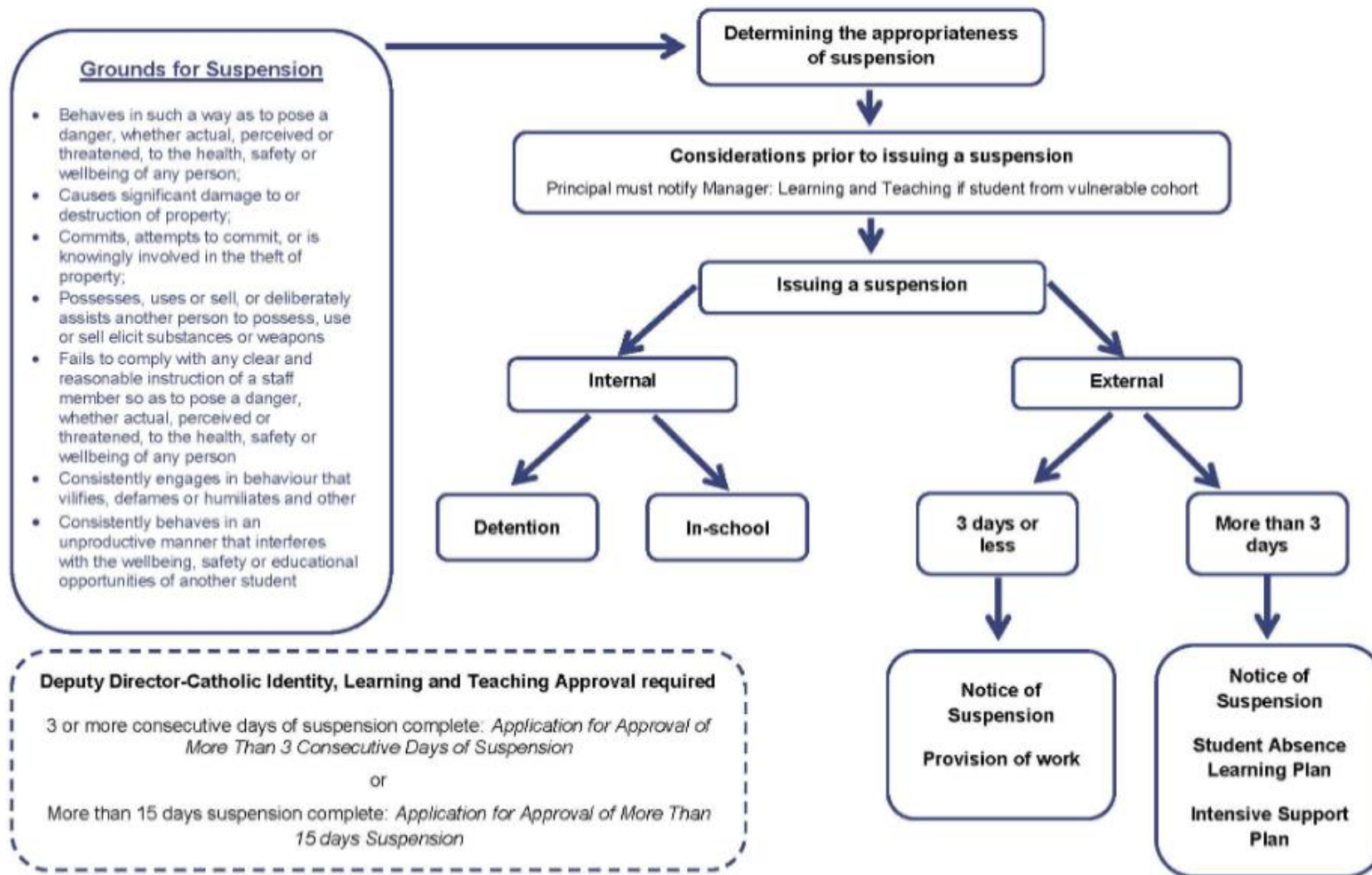
Suspension	Negotiated Transfer	Expulsion
<p>Staff member to action:</p> <ul style="list-style-type: none"> ▪ Deputy Principal Head of Camapus (with Director of Student Wellbeing) 	<p>Staff member to action:</p> <ul style="list-style-type: none"> ▪ Principal (with Deputy Principal Head of Camapus) 	<p>Staff member to action:</p> <ul style="list-style-type: none"> ▪ Principal (with Deputy Principal Head of Camapus)
<p>Consider:</p> <ul style="list-style-type: none"> ▪ Appropriateness ▪ Student vulnerabilities ▪ Student voice 	<p>Consider:</p> <ul style="list-style-type: none"> ▪ Appropriateness ▪ Student vulnerabilities ▪ Student voice ▪ Documented interventions and strategies have been used 	<p>Consider:</p> <ul style="list-style-type: none"> ▪ Appropriateness ▪ Student vulnerabilities ▪ Student voice ▪ Documented interventions and strategies have been used ▪ Documented Support Group meetings have been held
<p>Consultation and notification to DOSCEL:</p> <ul style="list-style-type: none"> ▪ For a student in a <i>vulnerable group</i> (to DOSCEL Manager: Learning and Teaching) 	<p>Consultation and notification to DOSCEL:</p> <ul style="list-style-type: none"> ▪ For a student in a <i>vulnerable group</i> (to Deputy Director – Catholic Identity, Leadership, Learning and Teaching) 	<p>Consultation and notification to DOSCEL:</p> <ul style="list-style-type: none"> ▪ Prior to engaging with parents/guardians about expulsion (to CEO - Director)
<p>DOSCEL Approval:</p> <ul style="list-style-type: none"> ▪ DOSCEL Form – Application for approval of more than 3 consecutive days of suspension ▪ DOSCEL Form – Application for approval of more than 15 days suspension (to Deputy Director – Catholic Identity, Leadership, Learning and Teaching) 	<p>DOSCEL Approval:</p> <ul style="list-style-type: none"> ▪ Required from CEO (Director) 	<p>DOSCEL Approval:</p> <ul style="list-style-type: none"> ▪ Required from CEO (Director)

<p>Issue the suspension:</p> <ul style="list-style-type: none"> ▪ Give verbal notification to the Parent/Guardian ▪ Arrange for continuation of learning ▪ Provide a Notice of Suspension to the Parent/Guardian ▪ Provide the Suspension Information Sheet to parents ▪ Provide a Reflection Booklet 	<p>Next Steps:</p> <ul style="list-style-type: none"> ▪ Parent meeting ▪ Consideration of expulsion (if no agreement about negotiated transfer) 	<p>Next Steps:</p> <ul style="list-style-type: none"> ▪ Consider suspension (while decision about expulsion is being made) ▪ Give verbal notification to the Parent/Guardian of a consideration of expulsion ▪ Provide a Suspension Information Sheet to parents ▪ Parent meeting with CEO Sale School Leadership Consultant (follow specific procedures outlined in the DOSCEL Check list for expulsion. ▪ Expulsion Report to be sent to DOSCEL
<p>Next Steps:</p> <ul style="list-style-type: none"> ▪ Parent meeting ▪ Student support Plan and/or Re-entry Plan 	<p>Issue the negotiated transfer:</p> <ul style="list-style-type: none"> ▪ Give verbal notification to the Parent/Guardian ▪ Arrange for continuation of learning (till transfer happens) ▪ Provide a Notice of Negotiated Transfer to the Parent/Guardian 	<p>Decision:</p> <ul style="list-style-type: none"> ▪ Provide a parent letter detailing the outcome (ongoing support or expulsion – See Notice of Expulsion letter) ▪ If expulsion, support enrolment at another school
<p>Step 4: Record Keeping</p> <ul style="list-style-type: none"> ▪ All communications (including a copy of the parent letter), meeting minutes and Student Support Plans (including Reentry Plans) are to be recorded in SIMON Student Profile. ▪ All students are to be recorded on the College’s Suspension, Negotiated Transfer and Expulsion Register. 		

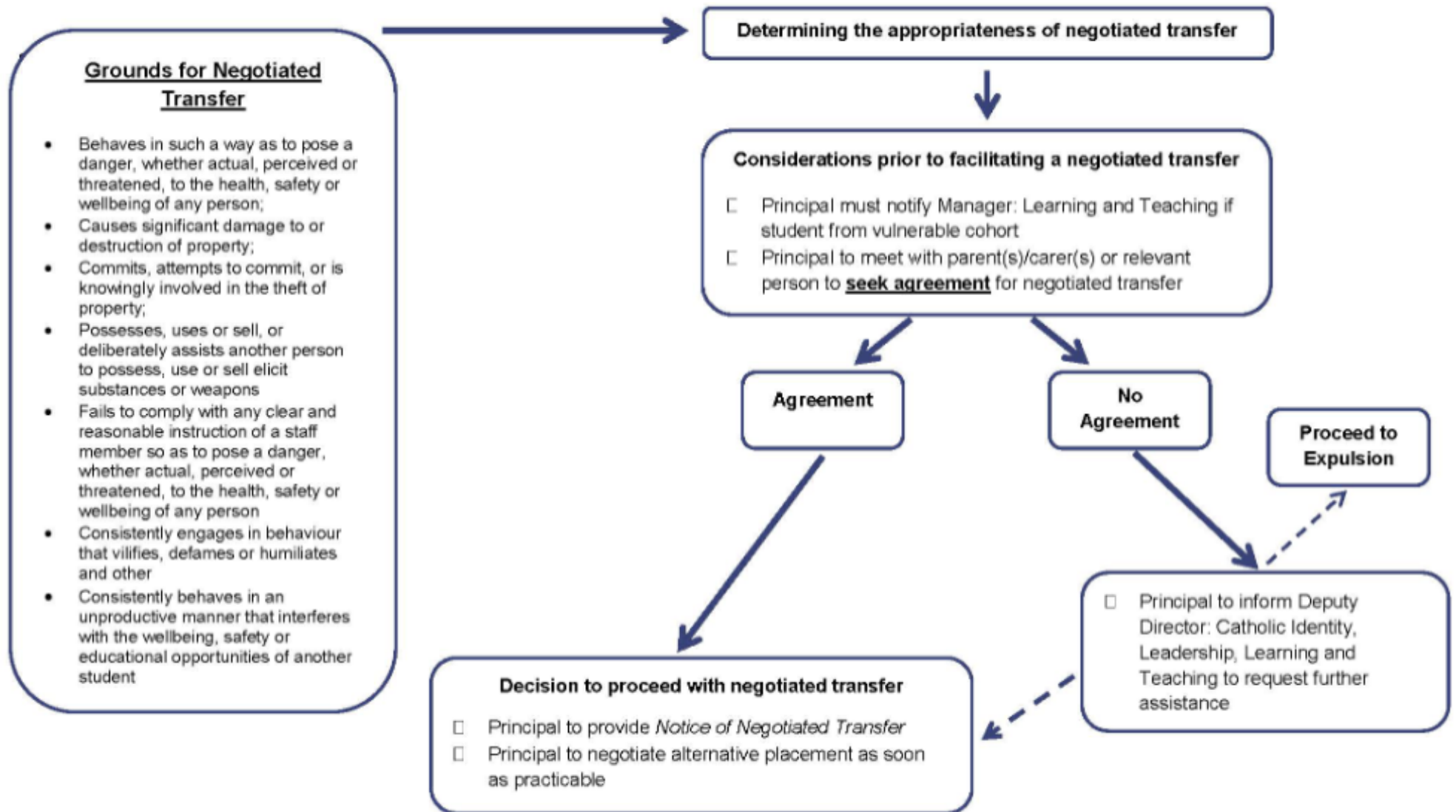
Step 5: Reporting

<p>External Reporting:</p> <ul style="list-style-type: none">▪ Where criminal offences have occurred, it may be deemed necessary to report to police.	<p>External Reporting:</p> <ul style="list-style-type: none">▪ Where criminal offences have occurred, it may be deemed necessary to report to police.	<p>External Reporting:</p> <ul style="list-style-type: none">▪ Where criminal offences have occurred, it may be deemed necessary to report to police.
<p>Reporting to DOSCEL:</p> <ul style="list-style-type: none">▪ Written notification of all suspension are to be forwarded to DOSCEL	<p>Reporting to DOSCEL:</p> <ul style="list-style-type: none">▪ Details of parent meetings relating to negotiated transfer are to be forwarded to DOSCEL	<p>Reporting to DOSCEL:</p> <ul style="list-style-type: none">▪ DOSCEL Expulsion Report (prior to approval of expulsion)

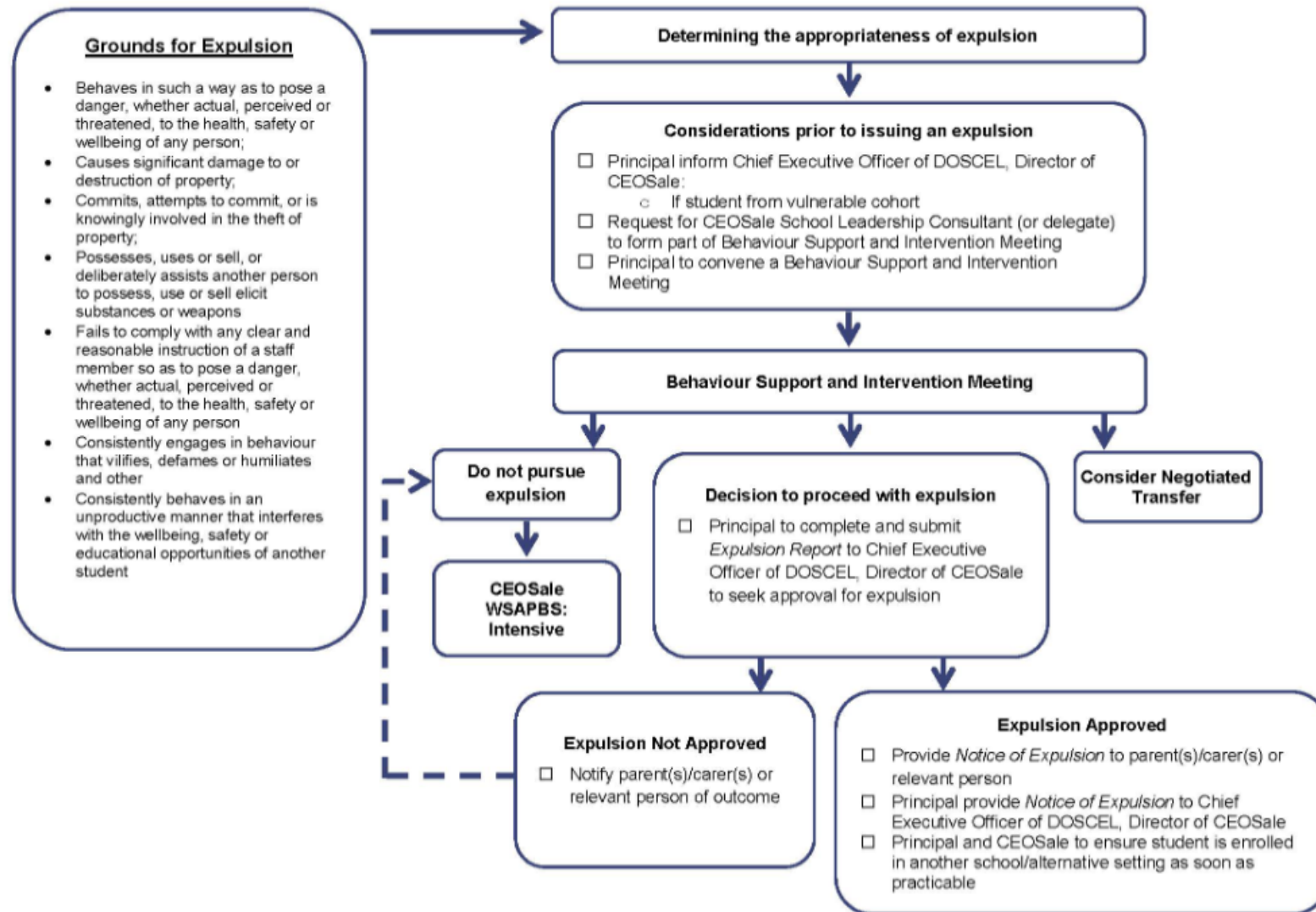
Suspension Procedure (DOSCEL Flowchart)



Negotiated Transfer Procedure (DOSCEL Flowchart)



Expulsion Procedure (DOSCEL Flowchart)



Responsibilities

Reporting

All staff, and particularly Wellbeing Leaders are expected to be aware of the following related reporting obligations and procedures:

- Whereabouts Unknown Form
- Injury Form
- Restraint and Seclusion Form
- Risk Assessment Tool
- Suspension Procedure
- Negotiated Transfer Procedure
- Expulsion Procedure

Compliance

Key Responsibilities

Where a staff member breaches these procedures St Francis Xavier College may take disciplinary action.

Staff Responsibilities

All staff are expected to be familiar with and actively support the College's outlined behavioural expectations for students and the approach to responding to behavioural concerns as well as the procedure for suspension, negotiated transfer and expulsion.

All staff are also expected to maintain their Duty of Care as per the DOSCE Duty of Care Policy and to take reasonable steps to minimise the risk of reasonably foreseeable harm.

Wellbeing Leaders' Responsibilities

All Wellbeing Leaders at the College have an added responsibility to be familiar with and actively support the College's processes and reporting obligations in the support of student behaviour. Wellbeing Leaders are expected to support all staff in putting into practice the principles and expectations outlined in this procedure.

Executive Responsibilities

All members of the College Executive have an added responsibility to be familiar with and ready to enact the procedures for suspension, negotiated transfer and expulsion under the instruction of the Principal.

Implementation and monitoring

The suspension process is monitored by the College Executive Team

The implementation is supported through SFXC processes, forms and templates such as:

- Suspension Form
- Suspension Processing Checklist
- Suspension letter template
- Suspension Reflection Booklet

These guidelines are implemented by:

- staff training and professional development opportunities
- communicating these guidelines to the College community
- effective maintenance of student records
- effective incident notification procedures
- monitoring the effectiveness of the guidelines
- reviewing and evaluating the guidelines

Relevant Legislation

- Privacy and Data Protection Act Vic 2014
- Charter of Human Rights and Responsibilities Act, 2006
- Child Wellbeing and Safety Act, 2005 (Vic)
- Disability Discrimination Act, 1992 (Cth)
- Disability Standards for Education, 2005 (Cth)
- Education and Training Reform Act, 2006 (Vic)
- Equal Opportunity Act, 2010 (Vic)
- Occupational Health and Safety Act, 2004 (Vic)

Related DOSCEL Policies

- Student Duty of Care Policy
- Child Protection and Safety Policy
- Student Pastoral Care Policy
- Privacy Policy
- Pastoral Care Policy
- Behaviour Management Policy
- Suspension, Negotiated Transfer and Expulsion Policy and Procedure
- Critical Incident Management Policy
- Complain Handling Policy

Related College Procedures

- Privacy Procedure
- Child Protection Program
- Child Safety and Wellbeing Policy
- Child Safety and Wellbeing Procedure
- Pastoral Care and Positive Behaviour Support Procedure
- Engaging Families in Child Safety and Wellbeing
- Bullying Prevention and Intervention Procedure
- Complaint Handling Procedure
- Restraint and Seclusion Procedure

- Mobile Phone Procedure
- Out of Home Care Procedure

Related

- College Case Notes Style Guide
- Student Support Plan Templates
- Suspension, Negotiated Transfer and Expulsion Register

Further Information

Further information can be obtained from: Deputy Principal Wellbeing

Status of Procedure	
College Leader Responsible	Deputy Principal Wellbeing
Implementation Date / Last Reviewed	June 2024
Review Date [Commonly 1 – 2 Years]	June 2026
Local Governing Authority Approval	College Executive Team

Record of Review

Details of Amendments	By Whom	Date
Minor updates to match currency of school based information (no further changes as to align with the DOSCEL Policy and Procedure documentation)	Deputy Principal Wellbeing	June 2024