St Bernard's Parish Primary School

Expulsion of Students Policy

MELBOURNE ARCHDIOCESE CATHOLIC SCHOOLS

St Bernard's Parish School is a school which operates with the consent of the Catholic Archbishop of Melbourne and is owned, operated and governed by Melbourne Archdiocese Catholic Schools Ltd (MACS).

Introduction

St Bernard's Parish School's approach to behaviour support is underpinned by the belief that all students should maintain 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.

To this end, St Bernard's Parish School commits to working in partnership with families, parents, carers and guardians and is guided by values of justice, equity, integrity, respect and compassion.

All students and staff have the right to be treated fairly and with dignity in an environment that is safe, and free from disruption, intimidation, harassment and discrimination.

St Bernard's Parish School's Student Behaviour Policy details related expectations and procedures for fulfilling the School's responsibilities in promoting positive student behaviour and responding to challenging student behaviour. Support processes for a student will be implemented prior to expulsion being considered. However, in cases of continued unacceptable behaviour by a student, and where pastoral and disciplinary measures have failed, it may be in the best interests of the School community and/or the student involved to consider an expulsion of the student from the School. This process will be undertaken in full consultation with families/parents/guardians/carers/relevant persons.

Context

Expulsion of a student from St Bernard's Parish School will only be considered in exceptional circumstances.

Expulsion occurs when, following consultation with the MACS Regional Office, a student's attendance at the School is permanently withdrawn by the Principal.

Expulsion involves the termination of the contract entered into at the time of the enrolment by the family/parents/guardians/carers/relevant persons. The enrolment agreement explicitly records at the time of acceptance of the enrolment of a student that unacceptable behaviour by a child may result in termination of the child's enrolment.

The St Bernard's Parish School Principal will work with the student and their family/parent/guardian/carer/ relevant person to arrange enrolment with another school. The Principal will inform and seek assistance from the MACS Regional Office.

Right of appeal against expulsion decision

Students and their family/parents/guardians/carers/relevant persons have the right to appeal the expulsion decision through the MACS Regional Office.

Any review of a decision to expel will reference all relevant records to determine if principles of procedural fairness were followed in the decision-making process.

Procedures for expulsion

Authority for expulsion

Only the St Bernard's School Principal has the authority to expel a student from the School. The Principal may not delegate their power to expel a student.

The St Bernard's School Principal holds the ultimate responsibility for ensuring all processes and procedures associated with expulsion are followed correctly.

The St Bernard's School Principal will consult with the MACS Regional Office about a student's expulsion, however, will not proceed to expel a student who is aged eight years or less unless approval has first been obtained from the MACS Director, Learning and Regional Services.

The St Bernard's School Principal will inform and seek guidance or assistance from the MACS Regional Office of an expulsion decision.

Grounds for expulsion

The St Bernard's School Principal has authority to expel a student if the student:

- behaves in such a way as to pose a danger whether actual, perceived or threatened to the health, safety or wellbeing of any person
- causes significant damage to or destruction of property
- commits, attempts to commit or is knowingly involved in theft of property
- possesses, uses or sells, or deliberately assists another person to possess, use or sell illicit substances or weapons
- 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
- consistently engages in behaviour that vilifies, defames, degrades or humiliates another
- consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student.

Application

Expulsion will be considered if the student is engaged in the behaviour referred to above while at school, travelling to or from school, is identifiable as a member of the school community, or while engaged in any school activity away from school (including travel to and from that activity).

Criminal offences

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, or sexual assault. The grounds for expulsion listed above are indicative only and not exhaustive.

When the St Bernard's School Principal has determined that a serious criminal offence has occurred, they will be mindful of the School's and MACS' duty of care, including those owed to students who are victims or offenders, and staff.

The incident will be reported to the police at the earliest opportunity.

Process

Prior to expulsion

1. Prior to expulsion

1.1 The St Bernard's School Principal will notify the student and their family/parents/guardians/carers/ relevant persons and the MACS Regional Office. Any verbal notification will be confirmed in writing or by email within 24 hours.

1.2 If the student is an overseas (international) student as defined by their Visa subclass, the St Bernard's School Principal will inform the MACS Regional Office and seek any necessary guidance.

2. Behaviour Support and Intervention Meeting

2.1 The St Bernard's School Principal will convene a Behaviour Support and Intervention Meeting.

2.2 The purpose of the Behaviour Support and Intervention Meeting is to:

a) advise the student and their family/parents/guardians/carers/relevant persons that expulsion is being considered

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 family/parents/guardians/carers/relevant persons have the opportunity to be heard

e) consider the impact of the behaviour of the student on other affected parties

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.

3. Prior to the Behaviour Support and Intervention Meeting

3.1 Prior to the Behaviour Support and Intervention Meeting, the St Bernard's School Principal will contact the student and their family/parents/guardians/carers/relevant persons to:

a) provide a copy of *Expulsion of Students: Information for Parents/Guardians/Carers/ Relevant Person*

b) advise of the date, time and place for the Behaviour Support and Intervention Meeting

c) encourage them to attend the Behaviour Support and Intervention Meeting

d) advise that if they are unable or unwilling to attend, the student may nominate another adult to attend the Behaviour Support and Intervention Meeting

e) advise of the matters to be discussed at the Behaviour Support and Intervention Meeting, including the impact of key issues on the affected parties

f) advise that they 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

g) advise that if they 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 them.

3.2 The St Bernard's School Principal will 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.

3.3 When conducting a Behaviour Support and Intervention Meeting, the St Bernard's School Principal will ensure that the meeting is conducted as informally as possible.

3.4 If the student and their family/parents/guardians/carers/relevant persons do not attend the Behaviour Support and Intervention Meeting, the St Bernard's School Principal will ensure that key points discussed at the meeting are recorded in writing and sent to the student and their family/parents/guardians/carers/relevant persons.

3.5 Where requested, the St Bernard's School Principal will provide access to counselling for the student and/or their family/parents/guardians/carers/relevant persons with assistance from the MACS Regional Office.

4. Decision regarding expulsion

4.1 Before deciding to expel a student, the St Bernard's School Principal will:

a) properly, fairly and without bias consider all the relevant matters, including the impact of the behaviour of the student on other affected parties, in making their decision

b) determine whether the expulsion is appropriate when compared to:

- the behaviour for which the student is being expelled
- the educational needs of the student
- any disability the student may have
- the age of the student
- the magnitude and impact of the student's actions

c) ensure that principles of procedural fairness are followed in the decision-making process, including that the student and their family/parents/guardians/carers/relevant persons have the opportunity to be heard, any information or documentation provided by the student or their family/parents/guardians/carers/relevant persons has been taken into account when making the decision regarding expulsion, and other forms of action to address the behaviour for which the expulsion is considered have been explored.

4.2 The St Bernard's School Principal will notify the student and their family/parents/guardians/carers/
relevant persons of the decision to expel or not expel the student within 10 business days of the conclusion of the Behaviour Support and Intervention Meeting.

4.3 If the St Bernard's School Principal decides to expel the student, they will provide the student and their family/parents/guardians/carers/relevant persons with the following documentation:

a) *Notice of Expulsion of Students* which must state:

- the ground/s for the expulsion
- the reason/s for the expulsion

- the date of the commencement of the expulsion
- that the student has a right to appeal the expulsion decision.

b) A copy of the *Expulsion of Students Appeal Information and Form*.

4.4 The St Bernard's School Principal will prepare an *Expulsion of Students Report* which will be in writing and contain:

a) a short statement of the history of the student's time at school

b) the ground/s for the expulsion

c) the reason/s for the expulsion

d) considerations in support of the expulsion, including a comprehensive range of strategies which might have been employed

e) any considerations of the impact of the behaviour on other affected parties

f) any representation made by the student or their relevant person

g) a summary of the options considered at the Behaviour Support and Intervention Meeting and why the expulsion was considered necessary

h) details of the arrangements that have been made for continuing education, training and/or employment of the student

i) recommendations on whether any further action at the School, local, regional or system level is required, including strategies at the School level to prevent the repeat of similar circumstances.

4.5 Within one business day of the expulsion taking effect, a copy of the *Notice of Expulsion of Students* and *Expulsion of Students Report* must be provided to the MACS Regional Office.

Following expulsion

5. Process following expulsion

5.1 The St Bernard's School Principal will ensure that the student is provided with other educational and development opportunities as soon as practicable after the expulsion, with the assistance of the MACS Regional Office.

5.2 In the case of a student of compulsory school age, the St Bernard's School Principal, with the assistance of the MACS Regional Office, will ensure that the student is participating in one or more of the following as soon as practicable:

a) enrolment at another registered school

b) enrolment at a registered training organisation

c) engagement with an employment agency or other organisations that provide services that support the future employment of the student.

5.3 In the case of a student of compulsory school age, the St Bernard's School Principal will provide the student with meaningful work from the time of the expulsion until the student is participating in one or more of the options specified in 5.1, and monitor the completion of that work.

5.4 The obligations above do not apply if an exemption to compulsory school age under section 2.1.5 of the *Education and Training Reform Act 2006* (Vic.) applies.

5.5 In the case of a student who is beyond compulsory school age, the St Bernard's School Principal, with the assistance of the MACS Regional Office, will provide the student and their

family/ parents/guardians/carers/relevant persons 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.

Process for appealing the expulsion decision

6. Appeal process

6.1 The Director, Learning and Regional Services will designate a Regional General Manager from a different region to oversee the appeal process.

6.2 Students and their family/parents/guardians/carers/relevant persons have the right to appeal the expulsion decision through the designated MACS Regional General Manager.

6.3 Any review of a decision to expel will reference all relevant records to determine if principles of procedural fairness were followed in the decision-making process.

7. Expulsion appeal procedures

7.1 A student and their family/parents/guardians/carers/relevant persons should contact the designated MACS Regional General Manager for further advice regarding lodging an appeal against the expulsion decision and the procedure to be followed.

7.2 A student and/or their family/parents/guardians/carers/relevant persons may appeal a Principal's decision to expel the student to the designated MACS Regional General Manager on the following grounds:

a) there have not been sufficient interventions and strategies utilised prior to the decision to expel where the student has a history of behavioural issues

b) the grounds on which the student has been expelled are unfair

c) the expulsion process was not followed by the Principal

d) other extenuating circumstances.

7.3 The *Expulsion of Students Appeal Information and Form* must be received by the designated MACS Regional General Manager within 10 business days of the student and their parents/guardians/carers/relevant person receiving the *Notice of Expulsion of Students*.

7.4 The designated MACS Regional General Manager will contact the St Bernard's School Principal and obtain a copy of the following documents within one business day of receiving the *Expulsion of Students Appeal Information and Form*:

a) *Notice of Expulsion of Students*

b) *Expulsion of Students Report*.

7.5 The designated MACS Regional General Manager may appoint an Expulsion Review Panel to review the Principal's decision to expel the student, and will notify the MACS Director, Learning and Regional Services that a review panel is being formed.

7.6 The designated MACS Regional General Manager will determine to either:

a) uphold the decision made by the St Bernard's School Principal to expel the student

b) overturn the decision made by the St Bernard's School Principal to expel the student.

7.7 The designated MACS Regional General Manager will notify the MACS Director, Learning and Regional Services of the decision.

8. Expulsion Review Panel

8.1 Where an Expulsion Review Panel is appointed by the designated MACS Regional General Manager, the panel will:

a) provide an opportunity for the student and their family/parents/guardians/carers/ relevant persons to be heard

b) provide an opportunity for the St Bernard's School Principal to be heard – either in person or by some other means considered appropriate by the panel

c) consider the safety and wellbeing of affected parties, including where the expulsion decision may be overturned, relevant to the grounds of the appeal

d) provide an Expulsion Review Panel Report to the MACS Regional General Manager outlining the relevant facts and considerations, and recommending the decision that should be made in relation to the expulsion appeal.

8.2 The Expulsion Review Panel will:

a) comprise at least three persons who are independent and not associated with St Bernard's School and have no knowledge or other connection to the circumstances of the expulsion

b) not include a person who participated in the Behaviour Support and Intervention Meeting prior to the expulsion.

8.3 An Executive Officer must be appointed to assist the Expulsion Review Panel.

8.4 The role of the Executive Officer is to:

a) liaise with the panel members to determine an appropriate date, time and place to convene an Expulsion Review Panel meeting

b) contact the family/parents/guardians/carers/relevant persons and student and advise them of the following:

- the date, time and place for the Expulsion Review Panel meeting
- that they are encouraged to attend the meeting
- that they may be accompanied at the meeting by an independent support person of their choice who is not acting for fee or reward
- that if they do not attend the Expulsion Review Panel meeting, the meeting may proceed in their absence, and the Expulsion Review Panel Report to the designated MACS Regional General Manager may be prepared without the benefit of hearing from the student and their relevant person

c) determine whether the assistance of an interpreter in any language (including Auslan) is required by any person who is to attend the Expulsion Review Panel meeting and arrange for such assistance to be present at the meeting

d) ensure that the panel members receive the following documents prior to the Expulsion Review Panel meeting:

- *Notice of Expulsion of Students*
- *Expulsion of Students Appeal Information and Form*
- *Expulsion of Students Report*

e) ensure panel members are fully informed of their role.

8.5 The Expulsion Review Panel will provide a completed Expulsion Review Panel Report to the designated MACS Regional General Manager within three business days of the conclusion of the Expulsion Review Panel meeting.

8.6 The Expulsion Review Panel Report will be considered prior to making a determination, but the designated MACS Regional General Manager is not bound to follow the recommendations made by the Expulsion Review Panel.

8.7 A determination will be made within 10 business days of receiving the expulsion appeal.

8.8 The designated MACS Regional General Manager or delegate will verbally notify the student, their family/parents/guardians/carers/relevant persons and the St Bernard's School Principal of the outcome of the appeal within two business days of the decision being made.

8.9 The designated MACS Regional General Manager will provide written notification to the student, their family/ parents/guardians/carers/relevant persons and the St Bernard's School Principal of the determination made in relation to the appeal.

8.10 A copy of the Expulsion Review Panel Report will be sent to the student, their family/parents/guardians/carers/relevant persons and the St Bernard's School Principal.

8.11 If the designated MACS Regional General Manager overturns the St Bernard's School Principal's decision to expel the student, the Principal will ensure that the following actions are implemented as soon as possible:

a) the student is re-enrolled in the School

b) the Principal works with the student, their parents/guardians/carers/relevant persons, and the student's teacher/s to develop an *Expulsion of Students – Return to School Plan*

c) the record of expulsion is removed from the student's permanent record

d) the student and their family/parents/guardians/carers/relevant persons are notified in writing that the expulsion has been removed from the student's record.

Record keeping

9. Record keeping

9.1 The St Bernard's School Principal is responsible for ensuring all records pertaining to any incident involving expulsion are carefully recorded, filed and retained on the School records, in accordance with Public Record Office Victoria Recordkeeping Standards.

Responsible director	Director, Learning and Regional Services
Policy owner	General Manager, Student Wellbeing
Approving body/individual	MACS Board
Risk Rating	High
Approval date	April 2022
Date of next review	April 2024

POLICY DATABASE INFORMATION	
Assigned Framework	Suspension, Negotiated Transfer and Expulsion of Students
Related documents	Checklist for Schools – Expulsion of students Flowchart – Expulsion of students Form – Expulsion of Students Appeal Information Sheet – Expulsion of Students Appeal Information Sheet – Information for Parents, guardians, carers and relevant persons

	Negotiated Transfer of Students Policy (School) Notice – Expulsion of Students Report – Expulsion of Students Return to School Plan - Expulsion Roles, Responsibilities and Reporting – Suspension, Negotiated Transfer and Expulsion of Students Suspension of Students Policy (School)
Superseded documents	School Expulsion of Students Policy – v1.0 - 2021
New policy	