# Suspension, Negotiated Transfer and Expulsion of Students Procedures

## 1. Introduction

Melbourne Archdiocese Catholic Schools Ltd (MACS) schools operate with the consent of the Catholic Archbishop of Melbourne and are owned, operated and governed by Melbourne Archdiocese Catholic Schools Ltd (MACS).

## 2. Scope

2.1 This procedure applies at all MACS schools including specialist schools operated by MACS Subsidiary, Melbourne Archdiocese Catholic Specialist Schools Ltd (MACSS) and school boarding premises operated by MACS Schools.

2.2 This procedure refers to behaviour that has occurred in physical and digital environments:

- 2.2.1 at school and on the way to and from school
- 2.2.2 at official school extra-curricular activities including but not limited to functions and sporting events
- 2.2.3 where students are representing the school, whether in school uniform or not
- 2.2.4 where students are identified as a member of the school community
- 2.2.5 where behaviour has occurred outside of school hours, or online, where the behaviour poses a significant risk to any student, staff and/ or the school community.

## 3. General guidelines

In alignment with the MACS *Vision for Engagement*, MACS Schools commit to fostering calm, respectful and inclusive environments where every student feels safe, valued and empowered to thrive academically, socially and emotionally.

The Principal will:

3.1 Refer the matter to Victoria Police if they suspect that a criminal offence may have occurred.

3.2 Report an incident via MACS Guard for any incident resulting in injury to a person.

3.3 Before considering a suspension, negotiated transfer or expulsion, seek to understand the reasons for a student's behaviour and explore appropriate educational and wellbeing supports, along with reasonable adjustments, to effectively address the reasons.

3.4 Comply with the Child Safe Standards and consider the additional circumstances that may arise for certain students who may experience vulnerability, including:

- 3.4.1 Aboriginal and/or Torres Strait Islander children and young people and providing/promoting a culturally safe environment for them
- 3.4.2 children and young people with disability, those from culturally and linguistically diverse backgrounds, those unable to live at home and lesbian, gay, bisexual, transgender and intersex children and young people.

3.5 Initiate the following actions for these students:

- 3.5.1 seeking support and direction from MACS, including the Student Engagement Unit and their Senior Management School Leadership (SMSL)
- 3.5.2 seeking advice from the school's Designated Teacher or the student's LOOKOUT Education Support Centre Case Manager for students in Out of Home Care (OoHC). Report any suspensions of students in OoHC to the relevant LOOKOUT Centre to prompt consultation about alternative interventions and supports to address student behaviour

3.5.3 ensuring reasonable adjustments are in place to support participation, engagement and self-regulation especially where behaviours relate to disability.

# 4. Procedural fairness

The Principal will ensure that the:

- implementation of the policy and procedures for Student Behaviour Support and Student Bullying Prevention and Response are fair and reasonable, afford procedural fairness, are consistent and non-discriminatory
- information provided to the student and parents and carers is accessible, age-appropriate and available in a range of languages and formats as needed
- student and parents and carers have the opportunity to be heard throughout any process associated with this procedure
- information provided by the student and parents and carers will be considered throughout any process associated with this procedure.

# 5. Same-day response

## 5.1 Context

5.1.1 Students at MACS schools are motivated, supported and empowered to reach their full potential. There may be situations which arise where the classroom or school environment is not safe for the student.

5.1.2 The same-day response is an immediate safety response intended to support the student following an incident on school grounds, which impacts the health, safety or wellbeing of the student, or other students, members of staff or the school community.

## 5.2 Authority

5.2.1 The Principal has the authority to direct a student to not attend class, following an incident, for the remainder of the school day and the immediate school day following the direction being made.

5.2.2 The maximum time the student can be away from the school for a same-day response is **two school days**.

## 5.3 Grounds

5.3.1 The Principal may initiate a same-day response on the following grounds:

(a) there is a significant breach of the school policies

(b) the student poses a risk to themselves

(c) the student poses a risk to the health, safety or wellbeing of other students, staff or members of the school community.

## 5.4 Process

5.4.1 The Principal may:

(a) direct a student to not attend class for:

- the remainder of the school day and/or
- the immediate school day following the direction being made.

(b) initiate the suspension process as outlined at (6) in this procedure.

5.4.2 The Principal will:

- notify parents and carers to verbally inform them of the alleged behaviours and grounds for the same-day response and ask that the student be collected from school. If the student cannot be collected immediately, they will remain in a supervised and safe place on the school site until they are collected

- provide written notification to parents and carers including the grounds for the same-day response within 24 hours of the incident occurring.

5.4.3 The student will:

- be collected by parents and carers or emergency contact
- remain in a supervised and safe space on the school site, if parents and carers or the emergency contact are unable to collect the student immediately or until they can be collected.

5.4.4 The Principal will ensure the same-day response is recorded as an approved absence in the school's learning management system.

## 5.5 Extension to the same-day response

5.5.1 At **the end of the same-day response**, if the classroom or school environment remains unsafe for the student's return, the Principal may issue an extension to the same-day response.

5.5.2 An extension to the same-day response is a short-term action to support the student to access education from home, until it is safe for them to return to the school environment. An extension to the same-day response cannot be issued in isolation.

5.5.3 The same-day response combined with the extension to the same-day response cannot exceed **five consecutive school days** in total.

5.5.4 An extension to the same-day response may be granted for purposes including, but is not limited to:

- allowing the Principal time to gather further information about the incident
- consulting with medical practitioners or other professionals involved in the student's care to inform decision-making and
- obtaining and, where appropriate, implementing external recommendations for adjustments to the school environment that support the student's safe return to onsite learning.

5.5.5 The Principal will:

- consult with their MACS SMSL
- provide written notification to parents and carers within 24 hours of the extension to the same-day response being issued including:
  - arrangements for the student to access their learning program that includes elements the student will miss for the duration of the extension
  - a dedicated school contact for the duration of the extension. The school contact will be responsible for checking in with the student and parents and carers at least once per day, and ensuring the learning is sufficient
- in extenuating circumstances, where parents and carers are unable to provide Duty of Care, the Principal will arrange for supervised onsite instruction in a safe space away from the classroom.

## 5.6 Return to school

5.6.1 Following a **same-day response**, the Principal or nominated staff member, will meet with the student and parents and carers at the commencement of the student's return to school. The purpose of this meeting is to review any information gathered during the same-day response and to consult on updates to the Student Safety Plan and Behaviour Support Plan. Parents and carers may also provide additional information for the Principal's consideration.

5.6.2 Following an extension to a same-day response, the Principal:

- will consult with parents and carers to:
  - discuss a return to onsite learning, if appropriate, and prepare a Return to School Plan (e.g. Return to School Plan – Template for Schools or equivalent)
  - discuss the implementation or review of the Student Behaviour Support Plan and/or Student Safety Plan

- discuss any advice received during the extension to the same-day response period and how the advice has been applied at a school level

- may initiate the suspension process as outlined at (6) in this procedure, if the risk remains unresolved despite the amended Student Safety Plan and Student Behaviour Support Plan.

# 6. Suspension procedures

## 6.1 Authority

6.1.1 The Principal has the authority to suspend a student for behavioural reasons.

6.1.2 The Principal is responsible for the procedures associated with suspension.

## 6.2 Context

6.2.1 The primary focus of a suspension is to enable a collaborative review of the factors influencing the student's behaviour and to work together to reach a restorative outcome.

6.2.2 During a suspension, the school will review systems in place to support the student, including but not limited to the Student Behaviour Support Plan and Student Safety Plan.

## 6.3 Grounds for suspension

6.3.1 The grounds for suspension include when a student:

(a) has breached the school's enrolment agreement, including but not limited to the Student Code of Conduct, the Student Behaviour Support Policy, the Student Bullying Prevention and Response Policy, and the ICT Acceptable Usage Policy - Students

(b) behaves in a way that poses a risk to the health, wellbeing or safety of any person

(c) verbally or physically abuses another student, staff member or member of the community

(d) engages in behaviour that vilifies, defames or humiliates another person who is identified or perceived by reference to any characteristics protected under the Equal Opportunity Act

(e) does not comply with a clear and reasonable instruction from a staff member which disrupts class activities or places a person at risk

(f) causes significant damage or destruction to property

(g) brings an item to be used as a weapon onto school property

(h) commits, attempts to commit or is knowingly involved in the theft of property

(i) possesses, uses or sells, or deliberately assists another person to possess, use or sell, illicit substances or weapons

(j) commits a serious offence which jeopardises the safety or security of other members of the school community, or which has the potential to seriously harm individuals and/or the reputation of the school

(k) engages in cyberbullying, exchanges violent imagery or text, and/or inappropriately uses artificially generated materials and/or deep fakes within online environments against others regardless of where the content was created

(l) engages in inappropriate conduct with, or in relation to, staff online or on social media platforms.

## 6.4 Categories of suspension

6.4.1 There are two categories of suspension:

(a) **Internal (in school) suspensions** where the student may be present at school but not participating in or attending scheduled classes or activities for a specified period. The Principal will ensure appropriate supervision of the student at this time.

(b) **External (out of school) suspensions** where the student is not on school premises at that time.

## 6.5 Suspension process

6.5.1 Prior to suspending a student, the Principal:

- will consider if any other behavioural interventions and reasonable adjustments would be appropriate as opposed to suspension.
- may consult with the student and parents and carers to obtain further information.

6.5.2 If the Principal determines a student is to be suspended, they will:

- first notify the student and parents and carers verbally, and then in writing, clearly outlining the grounds for the suspension and providing details of the alleged behaviour.
- commence an urgent review of appropriate behavioural interventions and reasonable adjustments to support the student and form a Program Support Group (PSG), if not already established.
- provide the student with learning to complete for the period of suspension:

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| **5 days or less** | Student provided with meaningful and accessible schoolwork. |
| **More than 5 days** | Principal arranges for the student to have access to learning that allows the student to continue their education during the suspension (e.g. via a Student Absence Learning Plan – Template for Schools, school learning management system or equivalent). |
| **Suspended with a recommendation for negotiated transfer or expulsion** | Principal arranges for the student to have access to learning that allows the student to continue their learning during the suspension. |

6.5.3 The Principal may:

(a) suspend a student for up to five consecutive days.

(b) suspend a student for longer than five consecutive days with the approval of the relevant MACS General Manager (Region).

(c) suspend a student with immediate effect if their behaviour is placing any other person at serious risk of harm. The Suspension Procedures are then followed.

(d) extend the suspension of a student, where new information is obtained and it is appropriate having regards to the circumstances.

(e) not suspend a student for more than 15 school days in a school year without approval from the MACS General Manager (Region).

## 6.6 Return to school

6.6.1 Prior to the student returning to school from a suspension, the Principal:

- will develop a Return to School Plan for absences of more than 5 days (e.g. via a Return to School Plan – Template for Schools or equivalent).

- will hold a Return to school meeting (including online) with the student, parents and carers, members of the PSG and have appropriate wellbeing support present.
- may allow for a support person to attend.
- will develop or update any Student Behaviour Support Plan, Student Safety Plan or other relevant plans in place for the student.

## 6.7 Record keeping

6.7.1 The Principal will ensure:

- an accurate record of suspension is maintained.
- the record of suspension is kept on the student file
- the suspension is recorded as an approved absence in the school's learning management system.

# 7. Negotiated transfer procedures

## 7.1 Authority

7.1.1 The Principal, in agreement with parents and carers, has the authority to negotiate the transfer of the enrolment of a student.

## 7.2 Context

7.2.1 A Principal may consider a negotiated transfer of a student's enrolment as an alternative to expulsion.

7.2.2 A negotiated transfer is a mutually agreed, supportive transfer of a student's enrolment to a new education setting. The order of priority for a new education setting is:

(a) a MACS school

(b) a Catholic school or

(c) any other appropriate education setting.

7.2.3 There are circumstances where a negotiated transfer of enrolment will not be appropriate where student behaviour is serious or repeated, or if the student is considered to be a risk to the safety of other students, staff or the school community.

7.2.4 A negotiated transfer of enrolment may be considered when:

(a) unacceptable behaviour has occurred or has risen to a level where continued enrolment of the student at the school is not in their educational interests or the interests of others in the school community or

(b) the interventions or reasonable adjustments put in place to support the student at the school have not resulted in a positive change in behaviour.

## 7.3 Grounds for negotiated transfer

7.3.1 The grounds for a negotiated transfer include when a student:

(a) has breached the school's enrolment agreement, including but not limited to the Student Code of Conduct, the Student Behaviour Support Policy, the Student Bullying Prevention and Response Policy, and the ICT Acceptable Usage Policy – Students which is determined to be sufficiently serious

(b) behaves in a way that poses a serious risk to the health, wellbeing or safety of any person

(c) verbally or physically abuses another student, staff member or member of the community

(d) engages in behaviour that vilifies, defames or humiliates another person who is identified or perceived by reference to any characteristics protected under the Equal Opportunity Act

(e) does not to comply with a clear and reasonable instruction from a staff member which disrupts class activities or places a person at risk

(f) causes significant damage or destruction to property

(g) brings an item to be used as a weapon onto school property

(h) commits, attempts to commit or is knowingly involved in the theft of property

(i) possesses, uses or sells, or deliberately assists another person to possess, use or sell, illicit substances or weapons

(j) commits a serious offence which jeopardises the safety or security of other members of the school community, or which has the potential to seriously harm individuals and/or the reputation of the school

(k) engages in cyberbullying, exchanges violent imagery or text, and/or inappropriately uses artificially generated materials and/or deep fakes within online environments against others regardless of where the content was created

(l) engages in inappropriate conduct with, or in relation to, staff online or on social media platforms

(m) is alleged to have broken the law

(n) engages in behaviour that consistently disrupts the learning environment or impacts the safety and wellbeing of others, despite existing supports and reasonable adjustments.

7.3.2 In other exceptional circumstances requiring approval from the MACS General Manager (Region).

## 7.4 Negotiated transfer process

### Initial response

7.4.1 The Principal will consult with the MACS SMSL in the relevant Regional Office to obtain advice regarding a proposed negotiated transfer.

7.4.2 The Principal will notify parents and carers that a behaviour incident has occurred and the Principal may initiate the suspension process as outlined at (6) in this procedure.

7.4.3 The Principal, in liaison with the MACS SMSL, will prepare a letter to parents and carers outlining the proposed negotiated transfer. The letter will:

- include the allegations and the proposed grounds for a negotiated transfer; and
- invite parents and carers to meet with the school (including online), including regional leadership if appropriate.

### Consultation

7.4.4 The Principal will meet (including online) with the student and parents and carers. The purpose of the meeting is to:

- outline the allegations and the proposed negotiated transfer
- provide the student and parents and carers with an opportunity to respond to the allegations and be heard.

7.4.5 The Principal will endeavour to ensure that the meeting:

- is accessible and culturally safe
- is conducted in a way that enables meaningful student participation, if appropriate and
- allows for a support person to attend.

7.4.6 Following the meeting with parents and carers, the Principal may provide parents and carers and the student with seven working days to consider if they are agreeable to a proposed transfer of enrolment if no agreement is reached during the meeting.

### Agreement

7.4.7 In the event that parents and carers are agreeable to a negotiated transfer of enrolment, the Principal will liaise with up to three alternate education settings, following the order of priority referred to at paragraph 7.2.2 in this procedure.

7.4.8 The Principal, in consultation with the alternate education setting, will seek whether the student meets the enrolment requirements of the alternate education setting.

7.4.9 The Principal will communicate the alternative education settings to parents and carers.

7.4.10 In the event parents and carers are not agreeable to the communicated alternative education settings, the Principal may support parents and carers with enquiries at alternate education settings; however, they are not able to guarantee any new enrolment, and the student must meet the enrolment requirements of the new education setting.

7.4.11 It remains the responsibility of parents and carers to make enquiries at an alternate education setting and determine if those settings are suitable for the student to enrol at.

7.4.12 During the negotiated transfer process, a Principal will:

- allow parents and carers fourteen days (or longer if deemed necessary) from the date the agreement was reached to nominate and confirm enrolment at an alternate education setting
- continue to provide learning for the student to complete, in the event that they are suspended (e.g. via a Student Absence Learning Plan – Template for Schools, school learning management system or equivalent)
- provide wellbeing and pastoral support.

7.4.13 The student is to remain enrolled at the school until the negotiated transfer process is completed.

7.4.14 The Principal must provide confirmation in writing to the student and parents and carers when the transfer of enrolment has been finalised. The Principal should support the transfer by providing relevant documentation to the new school, including the student's learning plan. The sharing of information with the new school must follow the MACS Privacy Policy.

### No agreement

7.4.15 If parents and carers do not agree to a proposed transfer of enrolment, they must notify the Principal in writing within seven days of the date of the meeting with the school. The Principal may then initiate the expulsion process as outlined at (8) in this procedure.

## 7.5 Record keeping

7.5.1 The Principal will ensure:

- an accurate record of the negotiated transfer is maintained.
- the record of the negotiated transfer is kept on the student file.

# 8. Expulsion procedures

## 8.1 Authority

8.1.1 The Principal has the authority to expel a student aged nine years or older for behavioural reasons. The Principal will consult with the MACS General Manager (Region) about a student's expulsion.

8.1.2 The Principal must obtain approval from the MACS Director, Education Excellence prior to expelling a student aged eight years or younger. Following approval being received, the Principal has authority to expel a student.

## 8.2 Context

8.2.1 Expulsion of a student is reserved for exceptional circumstances and should only be considered where:

(a) previous behavioural interventions and reasonable adjustments have not been successful, and the student continues to place themselves, other students, staff or members of the school community at risk.

(b) the student has continued to display unacceptable behaviour, following a suspension.

## 8.3 Grounds for expulsion

8.3.1 The grounds for expulsion include when a student:

(a) has breached the school's enrolment agreement, including but not limited to the Student Code of Conduct, the Student Behaviour Support Policy, the Student Bullying Prevention and Response Policy, and the ICT Acceptable Usage Policy – Students which is determined to be sufficiently serious

(b) behaves in a way that poses a serious risk to the health, wellbeing or safety of any person

(c) verbally or physically abuses another student, staff member, or member of the community

(d) engages in behaviour that vilifies, defames or humiliates another person who is identified or perceived by reference to any characteristics protected under the Equal Opportunity Act

(e) does not comply with a clear and reasonable instruction from a staff member which disrupts class activities or places a person at risk

(f) causes significant damage or destruction to property

(g) brings an item to be used as a weapon onto school property

(h) commits, attempts to commit or is knowingly involved in the theft of property

(i) possesses, uses or sells, or deliberately assists another person to possess, use or sell, illicit substances or weapons

(j) commits a serious offence which jeopardises the safety or security of other members of the school community, or which has the potential to seriously harm individuals and/or the reputation of the school

(k) engages in cyberbullying, exchanges violent imagery or text, and/or inappropriately uses artificially generated materials and/or deep fakes within online environments against others regardless of where the content was created

(l) engages in inappropriate conduct with, or in relation to, staff online or on social media platforms

(m) is alleged to have broken the law

(n) engages in behaviour that consistently disrupts the learning environment or impacts the safety and wellbeing of others, despite existing supports and reasonable adjustments.

8.3.2 In other exceptional circumstances requiring approval from the MACS General Manager (Region).

## 8.4 Expulsion process

### Initial response

8.4.1 The Principal will consult with the MACS General Manager (Region) to obtain advice regarding a proposed expulsion.

8.4.2 The Principal will notify parents and carers that a behaviour incident has occurred and the Principal may initiate the suspension process as outlined at (6) in this procedure.

8.4.3 The Principal will prepare a letter to parents and carers outlining the proposed expulsion. The letter will:

- include the allegations and the proposed grounds for expulsion
- invite parents and carers to meet with the school (including online), including regional leadership if appropriate and

- inform parents and carers that the school will proceed with the expulsion procedures in the event that they are unwilling or do not wish to participate and a decision may be made without having the benefit of hearing from them.

### Consultation

8.4.4 The Principal may meet (including online) with the student and parents and carers. The purpose of the meeting is to:

- outline the allegations and the proposed expulsion
- provide the student and parents and carers an opportunity to respond to the allegations and be heard.

8.4.5 The Principal will endeavour to ensure that the meeting:

- is accessible and culturally safe
- is conducted in a way that enables meaningful student participation, if appropriate; and
- allows for a support person to attend.

8.4.6 Following the meeting, the Principal may provide the student and parents and carers an opportunity to provide further information in writing.

8.4.7 If the student and parents and carers do not attend the meeting, the Principal will endeavour to ensure that key points discussed at the meeting are recorded in writing and sent to the student and parents and carers in an accessible format.

8.4.8 Following receipt of any further information, the Principal will consider:

- if a proposed expulsion is a reasonable and proportionate response to the behaviour
- if a proposed expulsion is an appropriate or reasonable intervention
- the behavioural history of the student, the age of the student, the educational needs of the student and any vulnerabilities.

### Outcome

8.4.9 The Principal will consult with the MACS General Manager (Region) prior to determining an outcome.

8.4.10 The Principal will communicate their decision in writing to parents and carers and include reference to:

- the grounds for expulsion
- the allegations
- the information they have considered as part of the expulsion process
- the behavioural history of the student, the age of the student, the educational needs of the student and any vulnerabilities.

8.4.11 The Principal may support the student's transition by sharing relevant information with the new education setting. The sharing of information with the new school must follow the MACS Privacy Policy.

### Complaint

8.4.12 Parents and carers may make a complaint with respect to an expulsion decision under the MACS complaint policy.

## 8.5 Record keeping

8.5.1 The Principal will ensure:

- an accurate record of the expulsion is maintained
- the record of expulsion is kept in the student file.

# 9. Roles and reporting responsibilities

| Role | Responsibility | Reporting requirement (if applicable) |
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|---|---|---|
| Principal | Ensure the school's procedures for Suspension, Negotiated Transfer and Expulsion of Students are publicly available. | |
| Principal | Establish and apply school processes to effectively implement the procedures. | |
| Principal | Establish and apply school processes to maintain a register of suspensions, negotiated transfers and expulsions | |
| Principal | Report any incident resulting in injury to a person via MACS Guard. | |
| Principal | Report significant and/or repeated student behavioural incidents, where wellbeing or safety was at risk, or any aggressive behaviour or physical threats involving students, parents and carers or the public via MACS Guard. | |
| School staff (all) | Understand and apply school processes to ensure consistent application and adherence to procedures. | |

# 10. Definitions

Definitions of standard terms used in this Policy can be found in the Glossary of Terms.

**Artificially generated materials**

Refers to any type of content such as text, image, video or audio, which is created by artificial intelligence models.

**Deepfake**

A digital photo, video or sound file of a real person that has been edited to create an extremely realistic but false depiction of them doing or saying something that they did not actually do or say.

**Principal**

Includes the school Principal, or any person with delegated authority to act on behalf of the Principal.

**Sufficiently serious**

Refers to action(s) by a student that warrants further intervention, disciplinary action or escalation beyond classroom management. Such action(s) may include: interference with the rights of others to learn or the teacher's ability to teach; risk of harm to another person; violation of school policies or requires removal from the classroom.

**Support person**

An individual nominated by the student to attend a meeting to provide emotional support. The support person does not act for fee or reward, and their details must be provided to the Principal prior to the meeting.

# 11. Related policies and documents

## Supporting documents

Positive Behaviour Support Guidelines
Return to School Plan
Student Absence Guidelines for MACS Schools
Student Absence Learning Plan
Student Behaviour Support Plan – Template
Student Safety Plan – Template

## Related MACS policies and documents

Attendance Policy
Child Safety and Wellbeing Policy
Child Safety and Wellbeing Procedures
Child Safety and Wellbeing Recordkeeping Procedures
Complaints Handling Policy

Duty of Care Policy
Enrolment Policy
Health, Safety and Wellbeing Policy
ICT Acceptable Usage Policy - Students
Pastoral Care of Students Policy
Reportable Conduct Policy
Student Behaviour Support Policy
Student Behaviour Support Procedures – Template for schools
Student Bullying Prevention and Response Policy
Student Bullying Prevention and Response Procedures – Template for schools
Student Code of Conduct

# Policy information table

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