

# POLICY



## SUSPENSION AND EXPULSION



**This policy addresses issues in relation to:  
Safe and Supportive Environment – Student Welfare 3.6.2  
Discipline – 3.7.1**

*The School's policies, which are made from time to time, are made pursuant to the registration requirements set out in section 47 of the NSW Education Act and the Board of Studies, Teaching and Educational Standards.*

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### PURPOSE

*The most serious disciplinary sanctions against a student enrolled at the School are suspension or expulsion and the School acknowledges the need to ensure these sanctions are imposed only after a correct Procedure is observed.*

Students at our school abide by the School's Behaviour Management Policy, the Student Code of Conduct and follow the directions of teachers, coaches and other people with authority delegated by the school.

This Policy articulates the context in which the School exercises its right to suspend or expel a student. It also describes the Procedure observed by the School when suspending or expelling a student. Whilst describing the significant elements of that Procedure it is not intended to be exhaustive or overly prescriptive particularly in respect to the time period in which the Procedure may take place.

#### Legal Obligations: Education Amendment (Non-Government School's Registration) Act 2004

The Board of Studies has set out its expectations of Non Government Schools registered by the NSW Minister for Education in its Manuals, viz:-  
Board of Studies Manual for Registration and Accreditation of Non Government Schools

#### 3.7 Discipline

3.7.1 A registered non government school must have Policies relating to discipline of students attending the school that are based on principles of procedural fairness.

3.7.2 A registered non government school must have Policies related to discipline of students attending the school that do not permit corporal punishment of students."

#### Conditions of Enrolment – Terms and Conditions of Trade

Each student's parents or guardians have entered a contract with the School which addresses managing the behaviour of students, viz:-

#### 3.3 The Parent:

(a) agrees:

- (i) to abide by the School's policies, guidelines and rules. These policies, guidelines and rules cover areas such as appropriate behaviour, conduct within and outside the School's premises, and are subject to change without notice. These policies, guidelines and rules have been decided upon by the School's Board of Directors,

- and it is the Principal who will publish updates at their discretion;
- (ii) to support the School's ethos and agree to work with the School to support the Student in working towards the School's aims and aspirations;
  - (iii) to first discuss any concerns with the School and agree not to undermine the School's authority over the Student;
  - (iv) that the School may discipline the Student for any breach of the School's policies, rules or guidelines. The Principal and/or staff may at their discretion enforce the disciplinary process which may include suspension or expulsion. The Student will be afforded procedural fairness in all instances, including the right to be heard. If the Board of Directors, the Principal or Director of Sport feels that the relationship between the School and the Parent has deteriorated to a point where the relationship is untenable, the School may require the removal of the Student. No refund of Fees will apply.
  - (v) that the School has a responsibility to provide a safe environment for the Student. The Parent gives permission to this end that the School has the right to search the Student's property (which may include their school bag, electronic devices and other personal property the Student may have brought onto the School's premises).

### Risk Management in Respect to Suspension and Expulsions

Safeguarding the welfare of all students in the School's care is of paramount importance to the School. The adverse impact the suspension and/or expulsion can have on a student is not underestimated. Equally, the School recognizes that each student, staff member or visitor to the School has a right to undertake their activities at the School in an appropriate environment and that the behavior of a student cannot be permitted to place that in jeopardy.

The School reserves the right to deal with a student who disregards rules, disobeys instructions or otherwise engages in conduct, which causes or may cause harm, inconvenience or embarrassment to the School, staff members or other students, the students may be subject to disciplinary action, which may include suspension or expulsion.

Of these two sanctions, suspension is far less serious and may be for a period as little as one day. The School often needs to impose this measure almost immediately in certain circumstances in order to ensure the benefit to the student, his/her fellow students, staff and the School. Therefore, the School reserves the right to pursue the Procedure below in a more expedient manner in light of all the circumstances leading to a suspension.

#### Definitions

**Suspension** is a temporary removal of a student from all of the classes that a student would normally attend at a school for a set period of time.

**Expulsion** is the permanent removal of a student from one particular school.

**Procedural fairness** is a basic right of all when dealing with authorities. Procedural fairness refers to what are sometimes described as the 'hearing rule' and the 'right to an unbiased decision'.

The '**hearing rule**' includes the right of the person against whom an allegation has been made to:

- know the allegations related to a specific matter and any other information which will be taken into account in considering the matter
- know the process by which the matter will be considered
- respond to the allegations
- know how to seek a review of the decision made in response to the allegations.
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The 'right to an unbiased decision' includes the right to:

- impartiality in an investigation and decision-making
- an absence of bias by a decision-maker.

The Principal may also expel a student who is over 17 years of age for unsatisfactory participation in learning.

The school reserves the right to make decisions about disciplinary measures and enrolment status based on evidence.

### **Procedural Fairness in the context of our School**

The School's Behaviour Management Policy and processes are based on procedural fairness in that:

- The disciplinary procedures undertaken by the school vary according to the seriousness of the alleged offence. Where the allegation, if proved, may result in suspension or expulsion, the student and parents will be informed of the allegations and procedural steps to be followed in dealing with the matter.
- The penalties imposed will vary according to the behaviour and prior record of the student. For minor breaches an admonition may be deemed appropriate. For severe breaches, the behaviour could result in suspension, long suspension or expulsion.
- In matters where a long suspension or expulsion is contemplated, an offer to have a support person/observer at formal interviews will be made. The key points of the interview/discussion will be recorded in writing.
- Different people will carry out the investigation and decision- making.

In accordance with the hearing rule, where the offending behaviour is of such a nature that it may result in a long suspension, ten (10) days or more, or expulsion, the student will be:

- Informed, in writing, of the allegation/s related to an infringement and any other information which will be taken into account in considering the matter.
- Informed, in writing, as to who will make the decision regarding the punishment
- Informed, in writing, of the procedures to be followed which will include an opportunity to have a parent or guardian present when responding to the allegations; and
- Informed, in writing, regarding the procedure which needs to be undertaken when seeking a review of the decision made in response to the allegations

In ensuring a 'right to an unbiased decision' the School makes certain that as far as possible, the investigation shall be impartial and without bias by those making both the allegation and the decision. The School will ensure proper investigation of the allegations made, that relevant parties are heard and relevant submissions considered.

It should be duly noted that a suspension is not intended as a punishment. It is only one strategy for managing inappropriate behaviour within a school's student welfare and discipline policies. It is most effective when it highlights the parent's responsibility for taking an active role, in partnership with the school, to modify the inappropriate behaviour of their child. The school will work with parents with a view to assisting a suspended student to rejoin the school community as quickly as possible. Suspension also allows time for school personnel to plan appropriate support for the student to assist with successful re-entry.

## PROCEDURE

### Grounds for Suspension

A student may be suspended if, whilst attending school, travelling directly to or from school, or engaged in any off-campus school activity, the student:

- Behaves in such a way as to constitute a danger to the health of any staff member, student or any other person assisting in the conduct of school activities
- Commits an act of significant violence; or causes significant damage or destruction to property; or is knowingly involved in the theft of property
- Possesses, uses, or deliberately assists others to use illegal drugs or substances prohibited by law
- Possesses or uses alcohol
- Exhibits a consistent attitude, or performs a significant act, of deliberate defiance which could endanger the student or others
- Consistently behaves in a manner that interferes with the educational opportunities of any other student or students
- Behaves in a way which significantly interferes with any of the school's programs or facilities
- Engages in unacceptable discriminatory behaviour (including harassment) towards another person based on sex, race (including colour, nationality and ethnic or national origin), marital status, the status or condition of being a parent, the status or condition of being childless, religious beliefs, political beliefs, or physical or mental disability or impairment
- Deliberately and consistently fails to take advantage of educational opportunities provided by the school.

### Grounds for Expulsion

The Principal will make a recommendation to the school Board to expel a student from the school if, whilst attending school, or directly travelling to or from school, or engaged in any school activity away from the school, the student:

- Does anything that is mentioned under Grounds for Suspension; AND
- Exhibits behaviour of such magnitude that, having regard to the need of the student to receive an education, compared to the welfare and safety of other

students at the school, and the need to maintain order and discipline within the school, a suspension is inadequate to deal with that behaviour.

### **Procedure in Respect to Suspension and Expulsion of Students**

The following is a summary of the several steps that the School observes to seek to ensure natural justice when the suspension or expulsion of a student is a possible outcome of a disciplinary process. The School is mindful of the practical constraints upon it when seeking to observe all aspects of the following Procedure caused by some parents not generally being immediately available. The School does undertake to ensure a parent is informed, at the earliest opportunity, of developments in respect to the suspension or expulsion of their child along with a parent's involvement, where possible in this Procedure. In the absence of a parent, the Student's Mentor would be closely involved in the Procedure.

1. Principal is notified by a staff member that an incident has occurred. Principal will advise the Staff Member on this Procedure ensuring that students feel safe and supported during the investigation process.
2. All students involved shall be informed of the process by which the matter will be considered.
3. Witness Statements will be collected by the investigating Staff Member. An incident report will be completed by the investigating Staff Member. During this time, students may be withdrawn from class in a "time out" capacity for the duration of the investigation.
4. Student and their parents shall be informed of the allegation against the student, whilst protecting the identity of witnesses providing evidence, as far as possible. Students and their parents shall be informed of the likely consequences of the student's misconduct; or of continuing, or escalating, behaviour.
5. At the conclusion of the initial investigation, the Principal will be provided with the paperwork. At this stage clarity may be needed and the Principal will ask the investigating teacher to ask further questions. All relevant evidence will be considered, with a view to making a finding on the balance of probabilities, as to what happened.
6. Students and parents shall be given opportunity to provide a response. That response may be in the form of an explanation, new and additional information not known to the School or other mitigating information. Parents have 24 hours to respond. The response may be in writing, via phone conference or face to face meeting. During this period, the student may be asked to either work in a buddy class at school or stay at home.
7. Student and their parent shall be informed of the outcome in writing, with information regarding the incident, sanction time, right to review information, and re-entry to school meeting time.

It is important to note the following:

- Interpreter services will be provided for parents if required.
- Where an interview concerns a serious matter such as an incident that needs further advice in dealing with i.e police, a long suspension or possible expulsion, a support person may attend formal interviews.

## The Right of Review of a Suspension/Expulsion

If a Parent/Guardian feels the suspension/expulsion is unfair or the procedure has not been followed, the review process can be instigated. This adds another element of fairness.

- Once a decision of the penalty has been made, the student and parent/s will be informed of the decision and recommendations in writing.
- The parents may make representations to the Principal in respect of the finding and recommendation. This must be done in writing and within two days of the initial notification being presented to the student and parents.
- The Principal will ask an impartial staff member to review the preliminary decision and then make a recommendation to the Principal. An impartial person will be appointed by the Principal. The person appointed will not have participated in the investigation process, is not the student's mentor or teach the student directly.
- A recommendation to uphold or amend the penalty will be made to the Principal.
- The Principal will make the final decision and communicate with parents.
- The review process will not take no longer than 3 working days for the School to respond.

### Related Documents

*Student Code of Conduct*

*Behaviour Management Policy*

*Conditions of Enrolment – Terms and Conditions of Trade*

| Date of Next Review |               | January 2018 or earlier where amendments in legislation require immediate policy reviews |   |
|---------------------|---------------|--|---|
| Version #           | Date Approved | Author   | Purpose/Changes   |
| 0.1                 | Jan 2014      | L.Roberts  | Established initial policy                                  |
| 0.2                 | Jan 2015      | L.Roberts  | Feedback from internal stakeholders applied including Board |
| 0.3                 | Jan 2016      | L.Roberts  | Feedback from internal stakeholders applied including Board |
| 0.4                 | March 2016    | L.Roberts  | Feedback from internal stakeholders applied including Board |
| 0.5                 | June 2016     | L.Roberts  | Feedback from the BOSTES                                    |
| 0.6                 | June 2016     | L.Roberts  | Feedback from internal stakeholders applied including Board |
| 1.0                 | June 2016     | L.Roberts  | Final Policy  |