

**Julia Gillard Community College
Policy and Procedure**

Policy name	Student Discipline (including Suspension & Expulsion) Policy and Procedure
Responsible person	School Council, Principal
Staff involved	All School Staff
Review Dates	Approved: 13Sept 2024 Review date: Semester 2, 2025

1. Introduction and Purpose

Julia Gillard Community College (JGCC or the **School**) has a duty of care to ensure a safe, secure and supportive environment for all students and staff.

To provide such an environment, all students have a responsibility to act in a manner that is respectful towards staff, other students and School community members as set out in the *School Student Code of Conduct* and associated school policies and procedures.

The purpose of the Student Discipline Policy and Procedures (the **Policy**) is to:

- provide a framework for student discipline management;
- provide students, staff and parents/guardians/carers with clarity as to the behaviour expected of students at the School and the consequences when those expectations are breached;
- assist staff to respond to and manage any associated risks and deal with behaviour issues in a fair and transparent manner.

2. Definitions

Parent - Any person who has parental responsibility for long term issues as defined in the Family law Act 1975 (Cth) or has been granted guardianship for a child as per the Children, Youth and Families Act 2005 (Vic) or other state government welfare legislation.

Guardian/ Carer - Someone other than a parent including:

- Informal care arrangement that may or may not be documented by an informal relative care statutory declaration
- Formal care arrangement that is provided under the Family law Act 1975 (Cth) and includes a parenting plan or a court order.
- Formal care arrangement that is provided under the Children, Youth and Families Act 2005 (Vic) or other state government welfare legislation

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Vulnerable student – includes students that are deemed or identified as vulnerable as per the explanatory note in Ministerial Order 1359.

3. Scope

This policy applies to the School Council, Principal, school staff, students, and parents/guardians and carers.

4. Principles

The School is committed ensuring that this Policy is fair and reasonable, and is consistent with the School's duty of care obligations.

The School will ensure this Policy, and its application, affords students procedural fairness, is consistent and non-discriminatory.

The School will ensure procedural fairness is afforded by:

- a) communicating to students the Student Code of Conduct and standards of acceptable conduct;
- b) including students in decisions affecting them and providing them opportunity to be heard before a decision is made;
- c) have decisions determined by a reasonable and unbiased person;
- d) explaining reasons for decisions and that students have the right for decisions to be reviewed.

The School prohibits any form of corporal punishment.

5. Responsibilities

The School Council will monitor the effectiveness of this Policy.

The Principal is responsible for communicating this Policy to support its implementation and following the requirements of this Policy when making disciplinary decisions.

All staff have a responsibility to read and understand this policy, act in accordance with Policy requirements, and undertake any professional development opportunities for managing student behaviour

6. General Procedures

Staff will intervene early to address factors that influence any behaviours that are of concern and will work with students and their families to resolve any issues in a respectful manner.

Early intervention to address factors influencing behaviour that is concerning or unacceptable, helps to ensure students remain engaged. It also means School staff can

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ensure appropriate protections are put in place for students in vulnerable cohorts including, working with families in any decisions made.

The School's discipline framework generally follows a three-warning letter process as a means for reminding and providing a checkpoint for escalating behaviour of concern. The use of warnings is part of restorative practices and enables the School to consider the age of the student, their educational needs, and their residential and social circumstances.

On occasion, a student's behaviour may be so unacceptable that it compromises the health, safety and wellbeing of other students and staff or School community members. In some instances, behaviour may be of such a magnitude that suspension or expulsion is considered. The Principal makes decisions about suspension or expulsion and will be guided by this Policy when making fair decisions about suspension or expulsion.

All disciplinary decisions must consider duty of care, human rights and anti-discrimination requirements.

Communication to Students

The *Student Code of Conduct*, outlines expectations regarding acceptable conduct and behaviour that guides students and the School's disciplinary response.

This Policy and the *Student Code of Conduct* are discussed with students and their families including at the enrolment interview, provided in the Student/Parent Handbook available to students as part of their ongoing enrolment.

Parents/guardians must sign an Enrolment Acceptance Agreement which outlines the rights and responsibilities, attendance requirements and consequences for unacceptable behaviour. By signing this Agreement, students and their parent/guardian agree to commit to the values, democratic principles, codes, policies and procedures of the School. This Contract is signed at enrolment and then annually or as required.

To uphold the School's expectations of students' roles and responsibilities, positive reinforcement by rewarding good behaviour is also utilised.

Student Discipline Escalation Steps

Students that are subject to any disciplinary action under this Policy will be given the reasonable opportunity to be heard, and reasonable steps will be taken to ensure all relevant information and documentation are considered.

All supports and interventions implemented must be documented.

The following table shows the School's disciplinary steps in order of escalation for breaches of the Student Code of Conduct or associated policies and procedures.

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Level 1	<p>Focus on receiving individual support from the classroom or duty teacher in order to change the behaviour e.g. seek to establish personal goals and consequences.</p> <p>Verbal reinforcement of acceptable conduct.</p>
Level 2	<p>A phone call or written note to the parent/guardian/carer.</p> <p>Actions can include: time out in the classroom or another classroom, or on a seat during break time, removal of privileges, increasing after each of the first three episodes. A written warning may be issued at this level.</p>
Level 3	<p>A progress meeting between the parent/guardian/carer, teacher and, where appropriate, the student.</p> <p>Written warning may be issued at this level.</p>
Level 4	<p>A meeting with the parent/guardian and Assistant Principal and, where appropriate, the student.</p> <p>Written warning may be issued at this level.</p>
Level 5	<p>Suspension. A meeting with the Principal, and/or Assistant Principal, parent/guardian and teacher (this may include the student if appropriate) to inform decision.</p>
Level 6	<p>Expulsion from the School. A meeting with the Principal, parent and teacher (this may include the student if appropriate) to inform decision.</p>

Meetings with the student and/or their parents/carers may consider a range of consequences as detailed in the Student Code of Conduct.

The Principal has discretion not to apply the steps under this Policy if they reasonably consider there is a significant risk to health and safety. See suspension and exclusion below.

Procedural fairness requirements for suspension and expulsion

When suspension or expulsion is being considered, an investigation to ensure procedural fairness and transparent decision-making is required. A decision to suspend or expel is not a pre-determined outcome. The following actions support procedural fairness in a suspension or expulsion decision:

- e) establish the details of the student's behaviour;

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- f) consider impact on all affected parties;
- g) document the investigation;
- h) communicate with the student and parent/guardian;
- i) consider any new interventions or supports that can be trialled having regard to the student's individual needs and circumstances;
- j) consider if the behaviour meets grounds for expulsion of the student;
- k) notify the student and their parent/guardian that expulsion is being considered; and,
- l) provide an opportunity for the student and their parent/guardian to respond (see Student Discipline Escalation Steps).

Student Discipline Escalation Steps

In determining whether to suspend or expel student, the Principal will consider the facts and have regard to the following relevant factors including:

- a) the seriousness of the behaviour for which expulsion is being considered and history of such behaviour;
- b) the educational needs of the student;
- c) any disability or additional learning need of the student;
- d) the age of the student;
- e) the residential and social circumstances of the student;
- f) previous interventions and supports;
- g) level of vulnerability of the student;
- h) the student's level of remorse, if relevant; and,
- i) the safety of all students, staff and visitors.

7. Suspensions

A student may be suspended from the School in situations where other measures have been implemented without success or where an immediate suspension is the only appropriate course of action in response to a student's behaviour. The School can consider internal and external suspension as a disciplinary response.

Suspension may also be relied on as an interim disciplinary measure where expulsions is being considered. Assistant Principal (if delegated) can consider and make decisions about student suspension. Decisions will assess the best interests of the student, staff, and School community members.

Suspension will only be used when other measures have not produced a satisfactory outcome or where the safety of the student, or another student, is impacted.

Grounds for suspension

Grounds for suspension include:

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- a) behaviour that adversely affects or threatens health and safety or is dangerous to the student or another student or staff member, including acts of violence or damage to property;
- b) Bullying, harassment or victimisation of a student or staff member;
- c) Students involved in illegal activities onsite or offsite during a planned activity;
- d) Students being in possession of alcohol and tobacco products including e-cigarettes and related paraphernalia, or other substances which might be lawful but are used for illicit purposes, deliberate misuse or intoxication;
- e) behaving in an unproductive and disrespectful manner that interferes with the wellbeing, safety or educational opportunities of any other student;
- f) language deemed to be offensive, single incident (severity to be assessed) or repeated discourteous and disrespectful behaviour in class, on school grounds or during planned offsite activities as outlined in the *Student Code of Conduct*; and
- g) breaches of the *Student Code of Conduct*.

The requirements under **6. General Procedures** must be followed.

Notification of decision

When a decision is made to suspend a student, the Principal will formally write to the student's parent/guardian (or if 18 or over, to the student) informing them of the decision including the reasons for the decision and the right to seek a review of the decision.

For students with separated parents, all parents/ guardians are entitled to be involved in the case of expulsion subject to any family or other orders in place known to the School.

Suspension Period

During the suspension period, students will be supported to meet their ongoing learning needs. If an external suspension period is likely to extend beyond three (3) days the meaningful work should be provided to the student. If the period extends beyond five (5) days, a teacher should be designated as a point of contact for the student.

Return to School

Prior to returning to School, the Principal and/ or Assistant Principal will meet with the parent/guardian and the student, to agree on a return to school plan to assist the student to transition back to School post suspension. This will include documenting any learning, support and development needs including any reasonably adjustments, as may be required.

8. Expulsion

Expulsion is the permanent removal of a student from the School. Expulsions should be a last resort. Other disciplinary measures, interventions, supports, and options need to

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have been exhausted.

The Principal has the authority to consider and make decisions about the expulsion of a student.

Grounds for expulsion

Grounds for expulsion include where a student:

- a) demonstrates repeated serious breaches as outlined above under **7. Suspensions**;
- b) is involved in illegal activity that brings the School into disrepute e.g. theft of property; possesses, uses or sells or assists another person to possess, use or sell illicit substances or weapons;
- c) continues to fail 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;
- d) consistently engages in behaviour that vilifies, defames, degrades or humiliates another person based on age, race, religious belief or activity, sex, sexual orientation, gender, identity, disability or impairment, industrial activity, marital status, parent or carer status or status as a career, physical features, political belief or activity, pregnancy, breastfeeding or personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes despite previous interventions.

If the circumstances are such that the School reasonably considers it necessary to invoke immediate suspension pending possible expulsion, this should be communicated clearly, and the same requirements for suspension decisions should be followed during the interim suspension period.

The requirements under **6. General Procedures** must be followed.

Notification of decision

When a decision is made to expel a student the Principal will formally write to the student's parent/guardian (or if 18 or over, to the student) informing them of the decision including the reasons for the decision and the right to seek a review of the decision.

For students with separated parents, all parents/ guardians are entitled to be involved in the case of expulsion subject to any family or other orders in place known to the School.

Expulsion records

In addition to general record keeping requirements the following also applies to expulsion:

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- e) A written report must be kept that includes the grounds for expulsion and the date of exit to be entered on the Suspensions and Expulsions Register. It should also include transition arrangements.

9. Appeals

An appeal of a decision to suspend or expel a student must be made in writing and set out the grounds of appeal.

An appeal of a suspension decision must be made to the Principal.

An appeal of an expulsion decisions student must be made to the School Council.

10. Recordkeeping

The School will maintain a *Suspensions and Expulsions Register*. The Principal or Principal's delegate is responsible for updating the register of suspensions and expulsions as needed. The register will include the following information:

- a) Student Name and Year Level
- b) Date/s of issue and return to School (if applicable)
- c) Brief outline of the breach and actions undertaken
- d) Staff member responsible for management
- e) Uploading or file location of any written documentation to parent/guardian.

Related Documents

Legislation: Child Wellbeing and Safety Act 2005 (Vic), Education and Training Reform Act 2006 (Vic), Children, Youth and Families Act 2005 (Vic), Charter of Human Rights and Responsibilities Act 2006 (Vic), Disability Discrimination Act 1992 (Cth), Disability Act 2006 (Vic), Privacy and Data Protection Act 2014 (Vic), Health Records Act 2001 (Vic), Privacy Act 1988 (Cth), Family law Act 1975 (Cth), Ministerial order 1359.

Policies: School Duty of Care Policy & Procedure, Critical Incident and Emergency Management Policy & Procedure, School Online Safety Policy & Procedure, School Bullying Prevention Policy & Procedure, School Enrolment Procedure, School Complaints and Appeals Policy & Procedure, School Excursions Policy & Procedure, Data Breach Response Policy & Procedure, School Child Safety and Wellbeing Policy & Procedure.

Other: Mission, Vision, & Values, & Democratic Principles Statement, Student/Parent Handbook, Student Code of Conduct, Incident Report and Emergency Management Form, Enrolment Acceptance Agreement, Enrolment Terms and Conditions, Suspensions and Expulsions Register.