



**ST MARY'S SCHOOL MANSFIELD
Suspension and Expulsion**

St. Mary's Primary School Mansfield

Suspension and Expulsion Policy

Rationale

1.1 St Mary's School is committed to ensuring that our Policy and procedures for the suspension and expulsion of a student are based on the principles of procedural fairness.

1.2 Suspension or expulsion may occur as a consequence of a serious breach of St Mary's School rules, or serious and ongoing disobedience.

1.3 This Policy sets out the procedures to be followed when making a decision about the suspension or expulsion of a student.

Scope

2.1 This Policy must be read in conjunction with the School's Behaviour Modification Policy. Steps outlined in this Policy are considered after disciplinary measures as outlined in the Behaviour Modification Policy have been applied, or the behaviour requires more serious consequences.

2.2 For International Students, this Policy must be read in conjunction with the National Code of Practice for Providers of Education and Training to Overseas Students 2018, which outlines additional requirements in line with the National Code of Practice for Providers of Education and Training to Overseas Students 2018. National Code requirements must be applied if these differ to requirements as outlined in this Policy. Please see appendix 1 for the fact sheet and links to the National Code. <https://internationaleducation.gov.au/Regulatory-Information/Pages/National-Code-2018-Factsheets-.aspx>

2.3 Consideration of a student's behaviour is subject to the terms of this Policy while the student is in any school environment. This may include attending school, travelling to or from school or engaging in any school activity away from school (including travelling to or from that activity).

2.4 This Policy is communicated to the School community via our website.

Suspension and Expulsion - Definitions

3.1 A suspension is a temporary removal of a student from all classes that a student would normally attend at school for a set period of time.

3.2 The maximum continuous period of time a student can be suspended at any given time is 5 school days. Suspension of a student for 15 days in any one school year will be referred to

the School Advisory Board and Leadership Team for discussion and consideration of further intervention.

3.3 Expulsion is cancelling the enrolment of a student, resulting in the permanent removal of a student from the School.

4. Authority to suspend or expel

4.1 Where any teacher or staff member decides that an act or the behaviour of a student may warrant suspension or expulsion, the teacher or staff member must refer the matter to the Principal or a Deputy Principal who can make a reasonable and unbiased decision.

4.2 In serious circumstances, a student may be summarily suspended, pending a final decision under this Policy. In this case, a meeting with the student and the student's parents/guardians to review the suspension must be convened as soon as is practicable.

4.3 Expulsion is considered only as a last resort and requires the endorsement of the Principal.

5. Grounds for suspension or expulsion Suspension

5.1 A serious breach of School rules may result in a suspension. Such breaches may include where a student:

- seriously undermines the ethos of the School
- consistently and deliberately fails to comply with any reasonable request of the Principal, a Deputy Principal or any staff member
- 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 or attempts to commit or is knowingly involved in the 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 person.
- consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student.

5.2 The student does anything mentioned as a grounds for suspension, and this behaviour is of such magnitude that, having regard to the need of the student to receive an education compared to the need to maintain the health, safety and wellbeing of other

students and staff at St Mary's School need to maintain the effectiveness of the School's educational programs, expulsion is the only available mechanism.

6. Procedures – ensuring procedural fairness

6.1 Where grounds for suspension or expulsion have been established, a Support Group, involving key staff who will work with the student and will support the student and the procedural fairness process will be set-up. The Support Group will:

- consider issues relevant to behaviour of student and implications for others in community.
- identify critical factors leading to offence.
- identify educational and social needs of student.
- identify and explore strategies to re-establish the student in the life of the school.
- consider support and resources that may be available both within and outside the school.
- develop an action plan for responding to the student's behaviour.
- ensure that decisions are implemented.
- maintain confidentiality at all times.
- consider legal ramifications of both the student's behaviour and strategies implemented to deal with the student's behaviour.
- aim for consensus of the group. Where this is not achievable the Principal takes responsibility for the final decision.

6.2 Where processes undertaken by the Support Group lead to a decision being considered to suspend or expel a student, the Principal will:

- write to the student, and the student's parents/guardians, stating:
 - a) the reasons that the student is under consideration for being suspended or expelled.
 - b) the relevant rules, policies, and standards of behaviour alleged to have been breached
 - c) the relevant allegations said to warrant suspension or expulsion.
- allow the student and/or the student's parents/guardians to give a response, either in writing or verbally.
- allow the student to have a support person of the student's choosing.
- arrange a meeting with the student, and the student's parents/guardians.

- arrange for an interpreter, if one is required.
- meet with the student and the student's parents/guardians and/or support person.
- ensure that such a meeting is recorded in writing.

7. Decision and Notification

7.1 The Principal, after following the procedures set out in this policy, will make a decision about the facts of the allegations against the student.

7.2 Any information or documentation provided by the student or their parents/guardians must be taken into account in making the decision.

7.3 The Principal will then decide whether to suspend or expel a student based on the following considerations:

- the safety of all students, staff and visitors.
- the seriousness of the student's acts.
- any disability of the student.
- the age of the student.
- the response or remorse of the student, if applicable.
- the pastoral care, educational needs and welfare of the student.
- the student's prospects for rehabilitation.

7.4 The decision made under this Policy will be communicated in writing to the student and the student's parents/guardians. The Principal or her delegate will also attempt to communicate this decision verbally.

7.5 In the case of a suspension, the school days on which the suspension shall occur and where the suspension will occur must be communicated.

7.6 The student, and the student's parents/guardians must abide by the terms and conditions of this decision.

8. Serving a suspension

8.1 For an in-school suspension, the student attends St Mary's School during school hours, but is excluded from normal classes.

8.2 For an out-of-school suspension, the student serves the period of the suspension at home. Parents/guardians are required to ensure the student has appropriate supervision at home for the period of the suspension.

8.3 Where a student is suspended for 3 school days or less, our school is required to provide the student with meaningful work to be undertaken during the suspension.

8.4 Where a student is suspended for more than 3 school days, our school is required to develop a Student Absence Learning Plan and Return to School Support Plan as required.

9. Appeals Local Students

9.1 A student may seek a review of a decision made under this Policy. All appeals must be made in writing, to the Principal, setting out the grounds of appeal. In the case of an expulsion, the appeal must be submitted to our school within 10 days of the expulsion taking effect.

9.2 In the case of expulsions, the decision by the Principal to expel the student will be either upheld or overturned by a specially convened Expulsion Review Panel. For International Students please refer to Appendix 1.

9.3 The appeals process for international students operates in line with the National Code of Practice for Providers of Education and Training to Overseas Students 2018 – Standard 8 (Overseas student visa requirements) and Standard 10 (Complaints and appeals). Refer to policies Unsatisfactory Course Progress or Attendance Policy and Deferring, Suspending or Cancelling an International Student’s Enrolment Policy.

10. Register of suspensions and expulsions

10.1 The suspension or expulsion of a student is recorded on that student’s individual file.

10.2 A central register of suspensions and expulsions is maintained in Synergetic (ICON) by the Admin staff to the Principal and the Deputy Principal. Upon making a decision in

accordance with Section 7 of this Policy, it is the responsibility of the Principal to advise the relevant Admin staff of the details of the suspension or expulsion for entry into the register.

10.3 Confidentiality must be maintained at all times with regards to the suspension and expulsion of students. Access to the register of suspensions and expulsions in Synergetic (ICON) is appropriately restricted to authorised users.

11. Relevant legislative requirements and associated policies

11.1 This Policy must be read in conjunction with:

- a. the law of the Commonwealth and Victoria including but not limited to:
- b. Education and Training Reform Act 2006
 - I. Education and Training Reform Regulations 2017 (b) Ministerial Order 1125 – Procedures for Suspension and Expulsion of Students in Government Schools (for reference)
 - II. Ministerial Order 870 - Child Safe Standards - Managing the risk of child abuse in schools
 - III. Ministerial Order 1125 – Procedure for Suspension and Expulsion for Students in Government Schools
- c. St Mary's Behaviour Modification Policy

12. Definitions

12.1 School environment

Means any physical or virtual place made available or authorised by the School Leadership Team for use by a child during or outside school hours, including:

- a room in the school;
- online school environments (including email and intranet systems); and
- other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events). This definition is in line with Ministerial Order 870 – Child Safe Standards – Managing the risk of child abuse in schools.

Review Date:

This policy is to be reviewed in February 2022 in accordance with St Mary's Policy Timeline.

Appendix 1

National Code of Practice for Providers of Education and Training to Overseas Students 2018 - <https://internationaleducation.gov.au/Regulatory-Information/Pages/National-Code-2018-Factsheets-.aspx>

The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018) supports the National Strategy for International Education 2025 to advance Australia as a global leader in education, training and research.

The National Code is a legislative instrument made under the Education Services for Overseas Students Act 2000 and sets nationally consistent standards to support providers to deliver quality education and training to overseas students.

The National Code 2018 commenced on 1 January 2018. Education providers must comply with the National Code to maintain their registration to provide education services to overseas students.

National Code 2018 Factsheets

[General Factsheet](#)

[Standard 1: Marketing information and practices](#)

[Standard 2: Recruitment of an overseas student](#)

[Standard 3: Formalisation of enrolment and written agreements](#)

[Standard 4: Education Agents](#)

[Standard 5: Younger overseas students](#)

[Standard 6: Overseas student support services](#)

[Standard 7: Overseas student transfers](#)

[Standard 8: Overseas student visa requirements](#)

[Standard 9: Deferring, suspending or cancelling the overseas student's enrolment](#)

[Standard 10: Complaints and appeals](#)

[Standard 11: Additional requirements](#)

The National Code 2018 factsheets will continue to be updated to reflect questions from the sector.

The Department of Education and Training provides general information and assistance to registered providers and overseas students on the National Code and the Education Services for Overseas Students Act 2000.

However, such information or assistance should not be relied on as legal advice or as a substitute for legal advice. Overseas students and education providers should seek independent legal advice as appropriate.

The National Code fact sheets are designed to give registered providers practical guidance in day to day operations. Registered providers should note that compliance will be measured against the requirements of the National Code, not against the fact sheets.

Please note this information has been taken from the Australian Government – Department of Education Webpage. <https://internationaleducation.gov.au/Regulatory-Information/Pages/National-Code-2018-Factsheets-.aspx>