

Suspension and Expulsion Policy

This policy is compatible and compliant with The Brotherhood of St Laurence – High Street Centre Frankston, Victorian Registration and Qualifications Authority (VRQA) and the broader Brotherhood of St Laurence policies.

**Source of
Obligation**

The ETR Act (s 4.3.1(6)) requires that our policies relating to the discipline of students are to be based on principles of procedural fairness and must not permit corporal punishment.

Discipline Policy

Every student has the right to a learning environment free from bullying and intimidation and to feel safe and happy at school. They also have the right to be treated fairly and with dignity.

The Student Behaviour Management Policy outlines disciplinary measures taken by the school prior to suspension or expulsion.

**Suspension and
Expulsion Defined**

A student may be suspended and/or expelled from school in situations where all other measures have been implemented without success, or where an immediate suspension is the only appropriate course of action in response to the student's behaviour which may put the health, safety and well-being of other students, staff or themselves at significant risk.

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.

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

It is our policy that our procedures for the suspension or expulsion of a student are based on the principles of procedural fairness.

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

**Who May Make a
Decision to
Suspend or Expel a
Student?**

The David Scott Principal has the authority to make the decision to suspend and/or expel a student and this authority cannot be delegated. It is important to note that a suspension and/or expulsion are measures of last resort, where all other established behaviour management practices have been implemented without success and a student is suspended and/or expelled from the David Scott School, the school procedure will reflect Ministerial Order 1125.

**Procedural
Fairness -
Procedures**

David Scott School is committed to ensuring procedural fairness when disciplining a student. All decisions about the discipline of a

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student will be conducted in accordance with our Behaviour Management Policy.

Where a decision is being considered to suspend or expel a student, the Principal will:

- write to the student, and the student's parents/carers stating:
 - the reasons that the student is under consideration for being suspended or expelled
 - the relevant rules, policies, standards of behaviour alleged to be breached
 - the relevant allegations said to warrant suspension or expulsion
- allow the student and/or the student's parents/carers 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/carers
- arrange for an interpreter, if one is required
- meet with the student and the student's parents/carers and/or support person
- ensure that such a meeting is recorded in writing.

The school maintains a register for managing suspensions and expulsions through the school's COMPASS student management system using the Victorian Suspension Census Proforma. The register is maintained by the Administration team after instruction from the Principal or delegate.

Considerations

The Principal, after following the procedures set out in this Policy, will make a decision about the facts of the allegations against the student. 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
- the response or remorse of the student, if applicable
- the pastoral care and welfare of the student
- the student's prospects for rehabilitation.

Alternatives to Suspension or Expulsion

Despite the fact that a student has been referred for suspension or expulsion, other consequences may be imposed. These are outlined in the Behaviour Management Policy.

Suspensions and Expulsion

A decision under this policy may result in the following consequences.

Suspension:

A suspension may be imposed as a consequence actions including but not limited to continued failure to follow reasonable instructions or aggressive behaviour.

The student may be suspended from attending school for a period of one school day and up to twenty school days.

Expulsion:

A student may be expelled from David Scott School. This should be considered as a last resort. Where all other measures have been implemented without success and a student is expelled from the David Scott School, the school procedure will reflect Ministerial Order 1125.

The Principal may expel a student from the school if, whilst attending school, travelling to and from school or engaging in any school related activity away from school (including when travelling to or from that activity), 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 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 based on age, breastfeeding, gender, identity, impairment, industrial activity, lawful sexual activity, marital status, parent or carer status or status as a carer, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation, personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes
- consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student
- *and* the student's 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,

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safety and wellbeing of other students and staff at the school and the need to maintain the effectiveness of the school's educational programs, expulsion is the only available mechanism.

At the David Scott School, students and families involved in expulsion procedures are provided with all necessary support, including but not limited to wellbeing and career transition care throughout the process.

Where all other measures have been implemented without success and a student is expelled from the David Scott School, the student and family will be provided with assisted referral to a more appropriate education/training setting.

An expelled student will be unenrolled from David Scott School and will not be allowed to re-enrol without the permission of the Principal.

A decision to expel a student may only be made after consultation with the Principal.

Notification of Decision

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

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

The School maintains a register of suspensions and expulsions. This is maintained by Insert Person Responsible for Suspension and Expulsion Register.

Appeals

In keeping with principles of procedural fairness and natural justice, a decision to expel a student from the David Scott School can be appealed by the student or parent/guardian.

An expulsion can be appealed on the following grounds:

- a student has a history of behavioural issues, and there is insufficient evidence of prior interventions designed to address the behaviour and support the student
- the grounds on which the student was expelled are considered unfair
- the expulsion process was not followed by the Principal
- other extenuating circumstances

An appeal may be lodged in writing, addressed to the Principal within seven days of notification the decision to suspend and/or

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expel. The Principal will follow the procedures in accordance with the school's Complaints and Grievances Policy to investigate and achieve a resolution to the matter.

An appeal from a decision to expel a student must be made to School Council.

Implementation

This Policy is implemented by:

- staff professional development opportunities in behaviour management
- communicating this Policy to the School community via the school's website
- monitoring the effectiveness of the Policy
- reviewing and evaluating this Policy

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Policy Changes

Date	Reason for Change	Made by