



## Policy Statement

The Student Suspension, Negotiated Transfer and Expulsion Policy outlines the grounds and procedures for suspension, negotiated transfer and expulsion of students, and the associated appeal processes.

The purpose of this policy is to ensure DOBCEL schools;

- comply with legislative and regulatory requirements when implementing suspension, negotiated transfer, and expulsion procedures
- are provided with clear, comprehensive, and accessible processes, tools and training for the suspension and expulsion of students
- are guided in managing DOBCEL's responsibility and obligation for all students' care, safety, and welfare
- are committed to fostering a positive culture and a safe and inclusive learning environment, which promotes positive student behaviour and relationships
- respond to inappropriate student behaviour in a manner that supports a whole school approach to behaviour expectations, the development of knowledge, skills, and capabilities.
- implement student behaviour management processes that are consistent with the school's vision and DOBCEL's Principles of Governance
- at the time of enrolment communicate clearly to students, parents/carers/ guardians/relevant persons, their agreement with this policy
- maintain a current register of student suspensions, negotiated transfer, and expulsions
- understand that all students have the right to feel safe and respected in an environment free from bullying and intimidation and have the right to be treated fairly and with dignity.

## Context

Students in DOBCEL Schools present with diverse needs and require a range of supports, including behavioural support. DOBCEL is committed to fostering a positive culture and a safe and inclusive learning environment in schools. Every member of the school community has a right to participate fully in an educational environment that is safe, supportive, and inclusive. The safety and wellbeing of others is an important consideration in determining the reactions to and consequences of inappropriate behaviour.

This policy reflects the requirements of Catholic schools under the Minimum Standards for School Registration pursuant to the *Education and Training Reform Act 2006 (Vic.)* and *Education and Training Reform Regulations 2017 (Vic.)*.

## Scope

This policy and associated procedures apply to all DOBCEL schools, staff, students, and their parents/carers/relevant persons.

All instances concerning Suspension, Negotiated Transfer or Expulsion require the following factors to be taken into account:-

## Fairness

All students and staff have the right to be treated fairly and with dignity in an environment that is safe, and free from disruption, intimidation, harassment, and discrimination. To achieve this, all schools must maintain high standards of student behaviour.

There will be cases of unacceptable behaviour where it will be in the best interests of the school community and/or the student involved, for the student to be removed from the school for a period or completely. Suspension, negotiated transfer and expulsion are options available to the Principal in such circumstances.

## Ongoing Learning

Schools must ensure that, where practicable, prior to and during the processes of suspension, negotiated transfer and expulsion:

- appropriate personalised learning and behaviour support strategies have been used and documented
- appropriate support personnel available within the school, DOBCEL and externally have been involved.

Collaboration and genuine engagement between DOBCEL, school staff, students and parents/carers/relevant persons are important features of behaviour support in schools. All should be fully aware of the school's wellbeing and behaviour support policies and practices.

## Diversity and Equity

When responding to behaviour concerns associated with a student with a disability, consideration must be given to the requirements of the *Equal Opportunity Act 2010* (Vic.), *Disability Discrimination Act 1992* (Cth) and *Disability Standards for Education 2005* (Cth). These require that reasonable adjustments are provided to support students with a disability to access and participate in education on the same basis as other students.

## Behaviour

Some behaviours of a serious nature are criminal offences. These may include criminal damage of property, possession of a weapon, theft, assault with weapons, use, possession, or distribution of drugs. When a serious criminal offence has occurred, the Principal will be mindful of the school's duty of care, including that owed to students, who are victims or offenders, and staff.

## Transparency and Voice

Should parents/carers/relevant persons require a support person to assist them to participate fully in the suspension, negotiated transfer or expulsion process, a suitable person may be involved by agreement with the school. The responsibility for organising a support person rests with the student or parents/carers/relevant persons.

The Principal must ensure that records are made and retained of any action taken in relation to behaviour support or interventions put in place for the student and, if deemed necessary, the implementation of suspension, negotiated transfer or expulsion processes.

In determining whether a student's behaviour is serious enough to warrant suspension, negotiated transfer or expulsion, the Principal will consider the safety, care and wellbeing of the student, staff and other students. In such circumstances, the interests of the students will be balanced against the duty of care to, and the rights of, all members of the school community, and the legal obligations to provide and maintain a working environment that is safe and without risk to health.

# Vulnerable Students and Families

DOBCEL requires that the Principal consider the special provisions that may apply where vulnerable students and families are concerned, in determining whether to instigate procedures associated with suspension, negotiated transfer or expulsion.

The following outlines the requirements for specific groups of vulnerable students and families:-

- **Aboriginal and Torres Strait Islander students:** When considering a suspension, negotiated transfer or expulsion of an Aboriginal or Torres Strait Islander student, a Principal is required to notify the Education Consultant.
- **Students with disabilities:** When responding to behaviour concerns associated with a student with a disability, consideration must be given to the requirements of the *Equal Opportunity Act 2010* (Vic.), *Disability Discrimination Act 1992* (Cth) and *Disability Standards for Education 2005* (Cth). The Principal is required to notify the Education Consultant when considering the suspension, negotiated transfer or expulsion of a student with a disability.
- **Students from culturally and linguistically diverse (CALD) communities:** When considering the suspension, negotiated transfer or expulsion of a student from within a CALD community, the Principal is required to notify the Education Consultant.
- **Students in out-of-home care:** When considering the suspension, negotiated transfer or expulsion of a student living in out-of-home care, the Principal is required to notify the Education Consultant.
- **Students with mental health concerns:** When considering the suspension, negotiated transfer or expulsion of a student presenting with mental health concerns, the Principal should work with the family and relevant health professionals to ensure a thorough understanding of all issues. The Principal is required to notify the Education Consultant.

## Legislative Context

[Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#)

[Child Safe Standards for Education Providers](#)

[Disability Discrimination Act 1992 \(Cth\)](#)

[Disability Standards for Education 2005 \(Cth\)](#)

[Education and Training Reform Act 2006 \(Vic\)](#)

[Education and Training Reform Regulations 2017](#)

[Equal Opportunity Act 2010 \(Vic\)](#)

[Ministerial Order 1125 – Procedures for Suspension and Expulsion of Students in Government Schools](#)

# Definitions

TERM	DEFINITION
<b>Behaviour</b>	<p>Is the way in which one acts or conducts oneself, especially towards others.</p> <p><b>Behaviour/s of Concern</b> Behaviour/s of concern can cause physical harm to the individual or any other person.</p> <p><b>Challenging behaviour</b> Challenging behaviour is behaviour that either interferes with the safety or learning of the student or other students or interferes with the safety of school staff.</p> <p><b>Replacement behaviour</b> A replacement behaviour is a behaviour you want to replace an unwanted target behaviour with.</p>
<b>Expulsion</b>	<p>Cancelling the enrolment of a student, resulting in the permanent removal of a student from a DOBCEL school.</p> <ul style="list-style-type: none"> <li>• Expulsion of a student will be considered only in exceptional circumstances.</li> <li>• Expulsion involves the termination of the contract entered by the family/parents/guardians/carers/relevant persons at the time of the enrolment. The enrolment agreement explicitly states that unacceptable behaviour by a child may result in the termination of the child's enrolment.</li> <li>• The principal will assist the student and their family/parent/guardian/carer/relevant person to arrange enrolment with another school. The principal will inform and seek assistance from their assigned education consultant.</li> </ul>
<b>Mature Minor</b>	<p>Where a student under the age of 18 asks to make a decision instead of their parent or carer, principals or others working with students in schools can decide whether the student is capable of making their own decision i.e. that they are a mature minor for the purpose of making a particular decision.</p>
<b>Negotiated transfer</b>	<p>A documented and mutually agreed decision between the Principal and a family/parent/guardian/carer/relevant person to move a student to another school.</p> <ul style="list-style-type: none"> <li>• A negotiated transfer occurs when a series of incidents or a significant isolated incident occurs, and pastoral and disciplinary measures (including suspension) have failed to resolve an issue of serious inappropriate student behaviour.</li> <li>• It is an option in circumstances where the school is judged not to be of the right environment for a student, and another setting is deemed more suitably to meet the student's current and future needs.</li> </ul>
<b>Seclusion</b>	<p>Seclusion is the solitary confinement of a person in a room or area (for example, a garden) from which their exit is prevented by a barrier or another person. When used by a staff member in immediate response to behaviours of concern, seclusion may also include situations where a student is left alone in a room or area and reasonably believes they cannot leave that room or area even if they would physically be able to (it is not locked).</p>
<b>Serious incident</b>	<p>An event or circumstance that could have led or did lead to unintended and/or unnecessary harm/or injury (either physical or emotional) to DOBCEL staff, student or visitor and/or loss or damage to an office, school or facility.</p>

TERM	DEFINITION
<b>Suspension</b>	<p>Suspension occurs when a student's permission to attend school is temporarily withdrawn, on the authority of the Principal or Executive Director.</p> <p>Suspension allows the parties involved to reflect on and engage in dialogue about the behaviour and circumstances that have led to the suspension and to plan and/or review learning and behaviour supports to assist a student to engage positively with school and learning.</p> <p>The enrolment agreement explicitly states that unacceptable behaviour by a child may result in suspension or termination of the child's enrolment.</p>
<b>Relevant Person</b>	<p>The relevant person is usually the parent/carer but can be someone who the parents/guardians/carers nominate to act in the student's best interests and who may speak on their behalf.</p> <p>A support person may assist parents/guardians/carers/relevant persons if they do not speak or understand English, to understand what is happening during a meeting by interpreting. The support person's details must be provided to the Principal prior to a meeting.</p>
<b>Restraint</b>	<p>Restraint is the restriction of rights or freedom of movement and includes chemical restraint, mechanical restraint, and seclusion.</p>

## DOBCEL Principles of Governance

All DOBCEL policies are founded on and reflect the Principles of Governance stated in the Document:

[DOBCEL Principles of Governance](#)

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# Student Suspension, Negotiated Transfer & Expulsion Procedures

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## Purpose

The Student Suspension, Negotiated Transfer and Expulsion Procedures outline processes for suspension, negotiated transfer and expulsion of students, and the associated appeal processes.

The purpose of these Procedures is to ensure DOBCEL schools:

- comply with legislative and regulatory requirements when implementing suspension, negotiated transfer, and expulsion procedures
- are provided with clear, comprehensive, and accessible processes, tools and training for the suspension and expulsion of students
- are guided in managing DOBCEL's responsibility and obligation for all students' care, safety, and welfare
- are committed to fostering a positive culture and a safe and inclusive learning environment, which promotes positive student behaviour and relationships
- respond to inappropriate student behaviour in a manner that supports a whole school approach to behaviour expectations, the development of knowledge, skills, and capabilities.
- implement student behaviour management processes that are consistent with the school's vision and DOBCEL's Principles of Governance
- maintain a current register of student suspensions, negotiated transfer, and expulsions
- understand that all students have the right to feel safe and respected in an environment free from bullying and intimidation and have the right to be treated fairly and with dignity.

## Responsibilities

### Executive Director

The Executive Director is responsible for:

- providing resources to schools to support the development and implementation of school procedures. Principals will receive training to ensure that schools comply with the Student Suspension, Negotiated Transfer & Expulsion Procedures.
- ensuring that Principals can obtain advice on how to manage behavioural situations that may arise in their school
- approving suspensions that are for the period of more than three (3) consecutive school days or for more than a cumulative total of fifteen (15) school days in a school year.

### Principals

Principals are responsible for:

- keeping up to date with the requirements of DOBCEL's student well-being and behaviour support policies and procedures
- advising DOBCEL of student suspensions and expulsions via the Educational Consultant and SIMON: Social Behaviour platform
- developing strategies to ensure appropriate behaviour expectations are understood by their school community
- documenting the whole school approach to behaviour management in their school.



## Record Keeping

School Principals are to ensure that:

- all records pertaining to any incident involving a suspension, negotiated transfer or expulsion are carefully recorded, filed, and registered in SIMON: Social Behaviour Platform with the accompanying paperwork
- all suspensions, negotiated transfers and expulsions are registered with the DOBCEL Office via the SIMON Social Behaviour Platform.

## Professional Learning

Catholic Education Ballarat provides professional learning for school staff for behaviour support. This includes Network Planning and schoolwide positive behaviour support programmes.

## Implementation

The Student Suspension, Negotiated Transfer & Expulsion Policy and Procedures are implemented through:

- staff professional development opportunities in behaviour management
- communicating the policy and procedures to the school community via school websites
- monitoring the effectiveness of the policy and procedures via reports and trends relating to logged appeals
- review and evaluation procedures as per the policy review schedule

# Suspension Procedures

Suspension is a serious disciplinary measure and is best reserved for incidents where other measures have not produced a satisfactory response. Alternative interventions and support for students should be considered prior to proceeding to suspension.

## Authority to Suspend

- The Principal has the authority to approve a suspension that is for:
  - 3 days or fewer
  - an incident of such severity that the suspension must be implemented immediately
- The Executive Director approves any suspension that is for more than 3 days
- If the period of suspension is longer than the days left in the term, the Principal should consider the disruption to the students learning before imposing a suspension that will continue into the following term.

## Grounds for Suspension

Before deciding to proceed with a suspension, the Principal must consider alternative interventions and support that can be provided to the student to address the reasons for the behaviour.

For suspension to be an option, the following conditions must be in place:

- the student's behaviour must have occurred:
  - whilst attending school
  - or travelling to or from school
  - or while engaged in any school activity away from the school
  - or travelling to or from any school activity
- the student's behaviour must meet one or more of the following conditions:
  - behaves in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety, or well-being 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, 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 in posing 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.

## Immediate Suspension

The Principal may issue a suspension with immediate effect where the student's behaviour is such that they are putting the health, safety and wellbeing of themselves, or any other person, at significant risk. In this instance, the Principal may expel the student while they are on suspension, subject to the procedures for expulsion being followed.

**DOBCEL requires the Principal to contact their Educational Consultant to inform them of any suspension and seek further advice.**

## Establishing the Grounds for Suspension

ACTIVITY		RESPONSIBILITY	DETAILS
A	<b>Determine if suspension is an option</b>	School Principal	<p>Assess if the student's behaviour meets the grounds for a suspension.</p> <p>Refer to <a href="#">Grounds for Suspension</a>.</p>
B	<b>Conduct a preliminary investigation</b>	School Principal	<p>Ensure a thorough investigation is conducted by the appropriate staff member to establish:</p> <ul style="list-style-type: none"><li>• the nature of the behaviour</li><li>• the student who committed the behaviour</li><li>• the context in which it was committed, and</li><li>• any other relevant circumstances in relation to the incident or behaviour.</li></ul>
C	<b>Consider options</b>	School Principal	<p>Determining if suspension is appropriate for a particular student, consideration must be given to:</p> <ul style="list-style-type: none"><li>• the behaviour for which suspension is being considered</li><li>• the educational needs of the student</li><li>• any disability the student may have.<ul style="list-style-type: none"><li>• disability is defined under the <i>Equal Opportunity Act 2010 (Vic)</i>. It is not limited to students in receipt of specialist services or funding under the <a href="#">Program for Students with Disabilities</a>.</li></ul></li><li>• the age of the student</li><li>• the residential and social circumstances of the student, including whether the student is Aboriginal or Torres Strait Islander or from a culturally and linguistically diverse background or is in out-of-home care</li></ul>

ACTIVITY		RESPONSIBILITY	DETAILS
			<ul style="list-style-type: none"> <li>whether the suspension would unfairly impact a student from a particular cultural background</li> </ul> <p>Refer to <a href="#">Considerations for Vulnerable Students</a></p> <ul style="list-style-type: none"> <li>previous incidences of challenging behaviour and the support/disciplinary measures employed to respond to these.</li> </ul> <p>For more information, refer to the Department's <a href="#">Behaviour – Students</a> webpage.</p>
D	<b>Consider information provided by student or family</b>	School Principal	<p>Before proceeding to a suspension, the Principal must ensure the following:</p> <ul style="list-style-type: none"> <li>that the student has had the opportunity to be heard</li> <li>when making the decision regarding a suspension consider the information or documentation provided by the student, or the relevant person.</li> </ul>
E	<b>Consider supports and other forms of action</b>	School Principal	<p>Consider alternative interventions and support that can be provided to the student to address the reasons for the behaviour.</p> <p>For a summary of wellbeing interventions and supports refer to: <a href="#">Map of Key Mental Health and Wellbeing Support</a>.</p> <p><b>Students with a Disability</b> Where the relevant behaviour was related to a student's disability, Principals must ensure they apply reasonable adjustments and to contact DOBCEL's Wellbeing Team for guidance.</p>
F	<b>Review of process and decision</b>	Education Consultant	Principals are required to consult their Education Consultant when assessing a suspension and to confirm the decision.
G	<b>Duration of suspension</b>	School Principal	<p>Decide on the duration of the suspension. Refer to <a href="#">Authority to Suspend (dot points 3 &amp; 4)</a>.</p> <p><b>Note</b> <i>A student cannot be suspended for longer than 5 days at any given time unless the Principal has implemented an immediate suspension and is considering whether to expel the student.</i></p>
H	<b>Approval of suspension of 3 days or fewer</b>	School Principal	Seek the approval of the Executive Director for any suspension of more than three days

ACTIVITY		RESPONSIBILITY	DETAILS
I	<b>Approval of suspension that is more than 3 days</b>	Executive Director	Where a Principal believes a suspension of more than three days is warranted the approval of the Executive Director is required.
J	<b>Suspension with immediate effect</b>	School Principal	<p>Implement a suspension with immediate effect if the severity of the situation warrants it.</p> <p>Refer to <a href="#">Immediate Suspension</a>.</p> <p>Ensure the student is appropriately supervised until:</p> <ul style="list-style-type: none"> <li>the student is collected by a parent/carer, or parent's emergency contact person, or</li> <li>the end of the school day or activity if the parent/carer or emergency contact person is unable to collect them earlier.</li> </ul> <p>Contact and advise the Education Consultant and inform them of the immediate suspension before informing the Executive Director.</p>
K	<b>Behaviour of concern</b>	School Principal	Register all behaviour of concern incidents in SIMON: Social Behaviour Platform

## Implementing the Suspension

	ACTIVITY	RESPONSIBILITY	DETAILS
A	<b>Initial notification</b>	School Principal	<p>Inform the student and their <a href="#">relevant person</a> (via telephone or in person) of:</p> <ul style="list-style-type: none"> <li>the reason/s for suspension</li> <li>the school days on which the suspension shall occur; and</li> <li>where the suspension will occur. (e.g., in-school suspension)</li> </ul>
B	<b>Supports for student and their relevant person</b>	School Principal	Provide contact details for additional support services to the student and the relevant person as appropriate.
C	<b>Suspensions of 3 days or fewer</b>	School Principal	Ensure a continuation of educational opportunity by providing the student with meaningful work, and monitor the completion of that work, until the period of suspension concludes.
D	<b>Suspensions that are more than 3 days</b>	School Principal	<p>Ensure to:</p> <ul style="list-style-type: none"> <li>seek the approval of the Executive Director DOBCEL before the suspension can be enforced</li> </ul>

	ACTIVITY	RESPONSIBILITY	DETAILS
			<ul style="list-style-type: none"> <li>develop Student Absence Learning Plan and Return to School Plan</li> <li>allocate a teacher to be the key point of contact for the student and their family as required.</li> </ul>
F	<b>Notice of Suspension</b>	School Principal	<p>Provide the student and their relevant person with a Notice of Suspension Letter, which must include:</p> <ul style="list-style-type: none"> <li>the reasons for the suspension</li> <li>the school days on which the suspension shall occur</li> <li>and copies of the Student Absence Learning Plan and Return to School Plan, if required</li> <li>a copy of the <a href="#">DOBCEL Information Sheet – Student Suspensions (Appendix F)</a>. Ensure that the format meets the communication needs of the student and relevant person. Provide the information in alternative formats when required.</li> </ul>
G	<b>Record of Suspension</b>	School Principal	<p>Record the suspension in the school's suspension and expulsion register via SIMON: Social Behavior Platform and ensure that the following documents are uploaded:</p> <ul style="list-style-type: none"> <li>Student Absence Learning Plan</li> <li>Return to School Plan</li> <li>Notice of Suspension Letter</li> </ul>

## Suspension Support and Follow Up

ACTIVITY	RESPONSIBILITY	DETAILS
<p>A</p> <p><b>Conduct a Program Support Group (PSG) meeting</b></p>	<p>School Principal</p>	<p>Assess whether it is appropriate to convene a PSG meeting with the student, the relevant person, and any other adults or professionals involved in the care of the student.</p> <p>The purpose of such a meeting is to discuss:</p> <ul style="list-style-type: none"> <li>the student's behaviour that led to the suspension</li> <li>a range of strategies to address the concerns, and</li> <li>prevent further occurrences of such behaviour.</li> </ul> <p>Convene a meeting if one or more of the following circumstances apply:</p> <ul style="list-style-type: none"> <li>a student and/or their relevant person requests a meeting</li> <li>a student has a disability, is Aboriginal or Torres Strait Islander or is in out-of-home care</li> <li>there have been three or more suspensions in the school year</li> <li>the student has been suspended for the maximum 5 consecutive days.</li> </ul> <p>Refer to <a href="#">VCEA Parent Guide to Program Support Groups</a></p>
<p>B</p> <p><b>Return to school meeting</b></p>	<p>School Principal</p>	<p>A Return to School Meeting is designed to discuss support for the student to return to school.</p> <p>Items that may be discussed in the meeting include:</p> <ul style="list-style-type: none"> <li>The Student Absence Learning Plan and the schoolwork completed during the suspension</li> <li>strategies to help the student's educational, social, and emotional needs</li> <li>the responsibilities of the relevant person, the child, school staff, and other professionals to support these strategies.</li> </ul>

# Negotiated Transfer Procedures

Negotiated transfer occurs when:

- all other pastoral and discipline measures, including suspension, have failed to resolve an issue of serious inappropriate student behaviour. A negotiated transfer ends the enrolment agreement with the first school
- the school is unable to meet the learning and social needs of a student and the issues are discussed and agreed to between the school, student, and parent/carers.

## Authority to Negotiate a Transfer of a Student

A negotiated transfer of a student requires the approval of the Executive Director.

## Grounds for a Negotiated Transfer

For the negotiated transfer to be an option, the following conditions must be in place:

- The student's behaviour must have occurred:
  - whilst attending school
  - or travelling to or from school
  - or while engaged in any school activity away from the school
  - or travelling to or from any school activity.

The student's behaviour must meet one or more of the following:

- pose a danger, whether actual, perceived or threatened, to the health, safety, or well-being 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, 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 in posing a danger, whether actual, perceived or threatened, to the health, safety, or wellbeing of any person
- vilifies, defames, degrades, or humiliates another person
- undertakes illegal activity.

The Principal can provide documented evidence of a history of suspension and the previous supports provided by the school to the student.



## Establishing the Grounds for a Negotiated Transfer

ACTIVITY		RESPONSIBILITY	DETAILS
A	<b>Determine if a negotiated transfer is an option</b>	School Principal	<p>Assess if the student's behaviour meets the grounds for a negotiated transfer.</p> <p>Refer to <a href="#">Grounds for a Negotiated Transfer</a></p>
B	<b>Conduct a preliminary investigation</b>	School Principal	<p>Conduct a thorough investigation to establish:</p> <ul style="list-style-type: none"> <li>the nature of the behaviours</li> <li>the student who committed those behaviours</li> <li>the context in which the incidents were committed, and</li> <li>any other relevant circumstances in relation to the student's history of incidents or behaviours.</li> </ul>
C	<b>Consider options</b>	School Principal	<p>When determining if negotiated transfer is appropriate, consideration must be given to:</p> <ul style="list-style-type: none"> <li>student's behaviour</li> <li>student's educational needs</li> <li>any disability the student may have. (It is not limited to students in receipt of specialist services or funding under the <a href="#">Program for Students with Disabilities</a>)</li> <li>the age of the student</li> <li>the residential and social circumstances of the student, including whether the student is Aboriginal or Torres Strait Islander or culturally and linguistically diverse background or is in out-of-home care</li> <li>availability of schools in the vicinity which will accepted a negotiated transfer student.</li> </ul> <p>Refer to <a href="#">Considerations for Vulnerable Students</a></p> <p>Consideration should also be given to previous incidences of challenging behaviour and the support/disciplinary measures employed to respond to these.</p>
D	<b>Consider information provided by student or family</b>	School Principal	<p>Ensure the following before proceeding to a negotiated transfer:</p> <ul style="list-style-type: none"> <li>that the student has had the opportunity to be heard</li> </ul>

ACTIVITY	RESPONSIBILITY	DETAILS
		<ul style="list-style-type: none"> <li>that any information or documentation provided by the student, or the relevant person has been considered in making the decision.</li> </ul>

## Initiating a Negotiated Transfer

ACTIVITY	RESPONSIBILITY	DETAILS
A	<b>Notify parents/carers/relevant persons</b>	School Principal  Notify the students' parents/carers/relevant persons to arrange a Behaviour Support and Intervention Meeting, to discuss the proposed negotiated transfer. Inform the Education Consultant if the student belongs to one or more the following cohorts: <ul style="list-style-type: none"> <li>Aboriginal or Torres Strait Islander</li> <li>has a disability</li> <li>is from a CALD background</li> <li>lives in out-of-home care</li> <li>presents with mental health issues.</li> </ul>
B	<b>Conduct meeting</b>	School Principal  During the meeting: <ul style="list-style-type: none"> <li>advise the student and their parents/carers/relevant persons that they are considering a negotiated transfer. This notice must be confirmed in writing or by email within 24 hours</li> <li>outline the grounds for the negotiated transfer that are being considered and the evidence to support a finding that the student has engaged in relevant conduct</li> <li>ensure that the student and their parents/carers/relevant persons can be heard</li> <li>provide comprehensive advice to the student and parents/carers/relevant persons about the potential options and the benefits a negotiated transfer would provide</li> <li>seek agreement from the student and parents/carers/relevant persons for a negotiated transfer.</li> </ul> If a negotiated transfer is desired to another DOBCEL school, the DOBCEL Education Consultant will provide assistance.
C	<b>Seeking approval to implement negotiated transfer</b>	School Principal  Ensure the following prior to seeking approval for a negotiated transfer: <ul style="list-style-type: none"> <li>all relevant matters have been considered properly, fairly and without bias</li> </ul>

ACTIVITY		RESPONSIBILITY	DETAILS
			<ul style="list-style-type: none"> <li>determine whether the action is appropriate when compared to:               <ul style="list-style-type: none"> <li>the nature of the behaviour in question</li> <li>the educational needs of the student</li> <li>any disability of the student</li> <li>the age of the student</li> <li>the magnitude and impact of the student's actions</li> <li>the residential and social circumstances of the student</li> </ul> </li> <li>sufficient interventions and strategies have been used prior to the decision to consider a negotiated transfer and that the evidence of those interventions have been documented and registered.</li> </ul>
	<b>Approval for Negotiated Transfer</b>	Executive Director	Review and approve the application for a negotiated transfer, forwarded by the Principal.
D	<b>Support for student and parents/carers/relevant persons</b>	School Principal	The school to provide the student/parents/carers/relevant persons access to counselling if requested.

## Implementing a Negotiated Transfer

ACTIVITY		RESPONSIBILITY	DETAILS
A	<b>Formal notification of a negotiated transfer</b>	School Principal	<p>Provide the student and parents/carers/relevant persons with a Negotiated Transfer Notice Letter which must include:</p> <ul style="list-style-type: none"> <li>why a change to another setting is being proposed</li> <li>the school or other setting that would provide an educational program suited to the student's needs, abilities, and aspirations</li> <li>the date of the commencement of the transfer</li> <li>any additional considerations to support the transition</li> <li>Upload a copy of the Negotiated Transfer Notice Letter to Student Notes in SIMON</li> </ul>

ACTIVITY		RESPONSIBILITY	DETAILS
B	<b>If the student is beyond compulsory school age (over seventeen (17) years age)</b>	School Principal	<p>Provide the student and their parents/carers/relevant persons with information about suitable opportunities including:</p> <ul style="list-style-type: none"> <li>• other schools</li> <li>• registered training organisations</li> <li>• employment agencies</li> </ul>
C	<b>Interim</b>	School Principal	<p>Provide the student with meaningful work, and monitor the completion of that work, until one of the options or suitable opportunities is confirmed. The student is to remain enrolled at their current school until the negotiated transfer process is completed unless the circumstances require expulsion.</p>
D	<b>If a student is suspended from school</b>	School Principal	<p>During the negotiated transfer process, if a student is suspended from school, they must be provided with:</p> <ul style="list-style-type: none"> <li>• appropriate and meaningful work that is monitored to support ongoing engagement with learning until one of the options or suitable opportunities is confirmed</li> <li>• appropriate wellbeing support, including counselling to be offered, in consultation with parents/carers/relevant persons.</li> </ul> <p>Consult with the DOBCEL Wellbeing Leader regarding accessing counselling services when required.</p>
E	<b>Record of Negotiated Procedures</b>	School Principal	<p>Record the negotiated transfer in the school's Suspension, Negotiated and Expulsion Register via Student Notes in SIMON and ensure to upload all the associated documentation.</p>

# Expulsions Procedures

When a behavioural incident constitutes grounds for an expulsion, the process must be transparent, fair, and supportive with appropriate checks and balances at each stage.

In the rare instance that a decision is made to expel a student, the school and DOBCEL will work closely with the student and parents/carers/relevant persons to ensure they are supported to transition successfully to a new educational setting as soon as possible.

## Authority to Expel

Expulsion is considered only as a last resort and requires the approval of the Executive Director.

## Grounds for Expulsion

A Principal may move to expel a student if, whilst attending school, travelling to and from school or engaging in any school 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, 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 well-being, safety, or educational opportunities of any other student
- undertakes illegal activity.

Students may be expelled after a thorough investigation of the incident/s has been conducted.

When a Principal determines that a serious criminal offence has occurred, the school needs to be mindful of all its duties of care, including those owed to students who are victims or offenders, and staff. The incident must be reported to the police at the earliest opportunity.

## Behaviour Support and Intervention Meeting

ACTIVITY		RESPONSIBILITY	DETAILS
A	<b>Determine if expulsion is the appropriate approach</b>	School Principal	Refer to the <a href="#">Grounds for Expulsion</a> section of this document.
B	<b>Contact Education Consultant</b>	School Principal	Consult the Education Consultant when assessing the grounds for expulsion.
C	<b>Actions Prior to the Behaviour Support and Intervention Meeting</b>	School Principal	<p>Ensure to:</p> <ul style="list-style-type: none"> <li>provide a student's parent/carer/relevant persons with a copy of the DOBCEL Information Sheet - Student Expulsion</li> <li>contact the student and their parent/carer/relevant persons to inform them of the date, time, and place for the meeting, taking reasonable steps to find a suitable time for all parties to meet</li> <li>advise of the matters to be discussed at the Behaviour Support and Intervention Meeting, including the impact of key issues on the affected parties</li> <li>advise that if they do not attend the Behaviour Support and Intervention Meeting, the meeting may proceed in their absence and, if expulsion is decided, the course of action may be determined without the benefit of hearing from them</li> <li>determine whether the assistance of an interpreter in any language (including Auslan) is required by any person who is to attend and arrange for such assistance to be present at the meeting.</li> </ul>
D	<b>Behaviour Support and Intervention Meeting</b>	School Principal	<p>Convene a Behaviour Support and Intervention Meeting.</p> <p>The purpose of the Behaviour Support and Intervention Meeting is to:</p> <ul style="list-style-type: none"> <li>advise the student and their parents/carers/relevant persons that the Principal is considering the expulsion of the student</li> <li>ensure all available support and interventions for the student are considered</li> <li>outline the grounds for expulsion that are being considered and the evidence to support a finding that the student has engaged in relevant conduct</li> <li>ensure the student and their parents/carers/relevant persons are heard</li> <li>consider the impact of the behaviour of the student on other affected parties</li> </ul>

ACTIVITY		RESPONSIBILITY	DETAILS
			<ul style="list-style-type: none"> <li>identify the future educational, training and/or employment options most suited to the student's needs and agree on a course of action in the event expulsion is decided.</li> </ul>
E	<b>Non-Attendance: Behaviour Support and Intervention Meeting</b>	School Principal	<p>If the student and their parents/carers/relevant persons do not attend the Behaviour Support and Intervention Meeting, ensure that key points discussed at the meeting are recorded in writing and sent to the student and their parents/carers/relevant persons.</p> <p>Provide access to counselling for the student and/or their parents/carers/relevant persons with assistance from the DOBCEL Wellbeing Leader when requested.</p>

## Implementing Expulsion

ACTIVITY		RESPONSIBILITY	DETAILS
A	<b>Expulsion assessment</b>	School Principal	<p>Prior to seeking the approval of the Executive Director to expel a student, ensure to:</p> <ul style="list-style-type: none"> <li>consider all the relevant matters properly, fairly and without bias, including the impact of the behaviour of the student on other affected parties</li> <li>consider the following to determine whether the expulsion is appropriate: <ul style="list-style-type: none"> <li>behaviour for which the student is being expelled</li> <li>educational needs of the student</li> <li>disability the student may have</li> <li>the age of the student</li> <li>the magnitude and impact of the student's actions</li> </ul> </li> <li>adhered to the principles of procedural fairness.</li> </ul>
B	<b>Expulsion of Students Report</b>	School Principal	<p>Submit an Expulsion of Students Report to the Executive Director (cc Education Consultant) containing:</p> <ul style="list-style-type: none"> <li>a short statement of the history of the student's time at school</li> <li>the grounds and reason for an expulsion</li> <li>considerations in support of the expulsion, including the support strategies which have been employed</li> <li>any considerations of the impact of the behaviour on other affected parties</li> </ul>

ACTIVITY		RESPONSIBILITY	DETAILS
			<ul style="list-style-type: none"> <li>any representation made by the student or their relevant person</li> <li>a summary of the options considered at the Behaviour Support and Intervention Meeting and why the expulsion was considered necessary</li> <li>recommendations on whether any further action at the school, local, regional or system level is required, including strategies at the school level to prevent the repeat of similar circumstances.</li> </ul>
C	<b>Approval of Expulsion</b>	Executive Director	Prior to the finalisation of an expulsion of a student, the Principal must seek the approval of the Executive Director within 24 hours of the Behaviour Support and Intervention Meeting.
D	<b>Notice of Expulsion</b>	School Principal	<p>If the Executive Director decides to proceed with the approval of the expulsion of the student, the student and their parents/carers/relevant persons must be notified within 24 hours of the decision.</p> <p>The following documentation must be provided to the student and their parents/carers/relevant persons:</p> <ul style="list-style-type: none"> <li>Notice of Expulsion Letter which must state: <ul style="list-style-type: none"> <li>the ground/s for the expulsion</li> <li>the reason/s for the expulsion</li> <li>the date of the commencement of the expulsion.</li> </ul> </li> <li>Expulsion of Students Appeal Form and Appeal Process Fact Sheet.</li> </ul>
E	<b>Record of Expulsion</b>	School Principal	Record the expulsion in the school's suspension and expulsion register via SIMON: Social Behavior, accompanied by documents outlined in previous step (D).



## Grounds for Review

A student and/or their parents/carers/relevant persons have the right to request a review of the Principal's decision to expel the student (**Review**). A Review is limited to determining whether the Principal's decision is consistent with the terms of this Procedure (**Review Grounds**).

## Reviewing an Expulsion Decision

ACTIVITY		RESPONSIBILITY	DETAILS
A	<b>Lodging an review application</b>	Student Relevant persons Education Consultant	<p>The student and their parents/carers/relevant persons must complete and deliver to the Education Consultant the Expulsion of Students Review Application Form (<b>Review Application Form</b>) within 10 business days of the student and their parents/carers/relevant persons receiving the Notice of Expulsion Letter.</p> <p>The Expulsion of Students Review Application Form can be downloaded from Knowledge Banks 'eSORT' and 'Policies and Procedures' folders or by contacting the Education Consultant.</p>
B	<b>Notice of Review</b>	Education Consultant	<p>Within 3 business days of receiving the Review Application Form, the Education Consultant must provide the Deputy Director, Stewardship with the:</p> <ul style="list-style-type: none"> <li>• Notice of Expulsion</li> <li>• Expulsion Report</li> <li>• Review Application Form</li> <li>• Any other relevant documents and correspondence (together the <b>Review Brief</b>)</li> </ul>
C	<b>Initial Assessment</b>	Deputy Director, Stewardship	<p>The Deputy Director, Stewardship must within 3 business days consider the Review Application Form and determine whether it is within the scope of the Review Grounds</p> <ul style="list-style-type: none"> <li>• If the Expulsion of Students Review Application Form does not meet the Review Grounds in whole, the Deputy Director, Stewardship must contact the student and their parents/carers/relevant persons and inform them of their decision and a summary of their reasons for the decision.</li> <li>• If the Expulsion of Students Review Application Form does not meet the Review Grounds in part, the Deputy Director, Stewardship must contact the student and their parents/carers/relevant persons and inform them of their decision to exclude the parts of the Review Application Form that are</li> </ul>

ACTIVITY		RESPONSIBILITY	DETAILS
			<p>outside the scope of the Grounds of Review and a summary of their reasons for the decision.</p> <ul style="list-style-type: none"> <li>If the Expulsion of Students Review Application Form meets the Review Ground in whole or part, the Deputy Director, Stewardship must inform the student and their parents/carers/relevant persons that an external reviewer will be appointed to independently assess the process and provide a recommendation to the Executive Director about the expulsion.</li> </ul>
D	<b>External Review Process</b>	Deputy Director, Stewardship External Reviewer	<p>The External Reviewer must:</p> <ul style="list-style-type: none"> <li>be provided with the Review Brief</li> <li>provide an opportunity for the student and their parents/carers/relevant persons to be able to make any further submissions in writing within 5 business days of the appointment of the External Consultant;</li> <li>provide an outcome report outlining the relevant facts and considerations and making a recommendation to the Executive Director. <ul style="list-style-type: none"> <li>uphold the decision made by the Principal; or</li> <li>overturn the decision made by the Principal</li> </ul> </li> </ul> <p><b>(Review Outcome Report)</b></p> <ul style="list-style-type: none"> <li>So far as is reasonably practicable provide the Outcome Report within 10 business days of receiving the Review Brief or any further submissions made by the student and their parents/carers/relevant persons, whichever is the later.</li> </ul>
D	<b>Final Decision</b>	Executive Director	<p>The Executive Director will make a final decision as to whether to accept the recommendation in the Review Outcome Report within 3 business days of receiving the Review Outcome Report <b>(Final Decision)</b> .</p>

## Communication of the Review Outcome

Within 2 business days of the Final Decision the Executive Director will also provide written notification to the student, their parents/carers/relevant persons and the Principal of the determination made and provide a summary of findings based on the information in the Review Outcome Report

If the original decision to expel the student is overturned, the Principal will ensure that the following actions are implemented as soon as possible:

- the student is re-enrolled in the school
- the Principal works with the student, their parents/carers/relevant persons, and the student's teacher/s to develop a Return to School Plan [Expulsion of Students]
- the record of expulsion is removed from the student's permanent record
- the student and their parents/carers/relevant persons are notified in writing that the expulsion has been removed from the student's record.

## Student Suspension, Negotiated Transfer & Expulsion Central Register

All DOBCEL Schools are required to use **SIMON: Social Behaviour Platform** to register all student suspensions, negotiated transfers and expulsions.

### Reporting

The Executive Officer of the Children and Young People Wellbeing & Safeguarding Consultative Committee is responsible for collecting and reporting on the Student Suspension, Negotiated Transfer & Expulsion Central Register and presenting to the Committee for discussion.

The Wellbeing and Safeguarding Consultative Committee will forward the report to the DOBCEL Board, accompanied by a summary of their analysis and insights.

## Supporting Documentation

Forms, templates, and internal documents listed below are available to download from the Knowledge Banks 'eSORT' and 'Policies and Procedures' folders.

### Internal

Child Safety and Wellbeing Policy [School]  
Duty of Care Policy [School]  
Duty of Care Statement [DOBCEL]  
Enrolment Policy and Procedure [DOBCEL]  
Student Behaviour Management Policy and Procedures [DOBCEL]  
Privacy Policy [DOBCEL]

### Forms and Templates

#### Suspensions

Checklist for Suspension of Students [DOBCEL Template]  
Notice of Suspension Letter [School Template]  
Return to School Plan (Suspension of Students) [School Template]  
Student Absence Learning Plan [School Template]  
Student Suspension Information Sheet [DOBCEL]

#### Negotiated Transfer

Checklist for Negotiated Transfer [DOBCEL Template]  
Negotiated Transfer Notice Letter  
Student Negotiated Transfer Information Sheet - [DOBCEL Template]

#### Expulsions

Checklist for Expulsion of Students [DOBCEL Template]  
Expulsion of Students Appeal Form & Information [DOBCEL Template]  
Expulsion of Students Report  
Notice of Expulsion Letter  
Return to School Plan (Expulsion of Students) [School Template]  
Student Expulsion Information Sheet - Student Expulsion [DOBCEL Template]

## Victorian Catholic Education Authority (VCEA) Resources

[Guidelines for Koorie Education Worker in Victorian Catholic Schools](#)

[Out of Home Care Education Commitment](#)

[Parent Guide to Program Support Groups](#)

[Personal Care Support in Schools](#)

[Positive Behaviour Guidelines](#)

Policy Owner	Deputy Director: Catholic Education
Policy Editor	Team Leader: Wellbeing
Assigned Board Committee	Children and Young People Wellbeing and Safeguarding
Approval Date	22 January 2024
Review Date	22 January 2027