

Expulsion of Students Policy

Rationale

Sacred Heart College is a Catholic learning and faith community in the Mercy tradition that has at its centre the dignity and safety of each person. Our approach to behaviour support is underpinned by the belief that all students should maintain a level of behaviour that respects their rights and the rights of others to:

- be safe and feel safe
- learn to the best of their ability
- express themselves
- take responsibility for their choices.

To this end, the College commits to working in partnership with families and is guided by the Mercy Values of Justice, Compassion, Respect, Hospitality, Service and Courage.

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.

The SHC Student Positive Behaviour Policy details related expectations and procedures for fulfilling the College's responsibilities in promoting positive student behaviour and responding to challenging student behaviour. There will, however, be cases of unacceptable behaviour where it will be in the best interests of the College community and/or the student involved for the student to be removed from the College for a period of time.

Definition

Expulsion of a student from the College will only be considered in exceptional circumstances.

Expulsion occurs when, following consultation with the MACS Regional Office, a student's attendance at the College is permanently withdrawn by the Principal.

Expulsion involves the termination of the contract entered into at the time of enrolment by the family. The enrolment agreement explicitly records at the time of acceptance of the enrolment of a student that unacceptable behaviour by a child may result in termination of the child's enrolment.

The Principal will work with the student and their family to arrange enrolment with another school. The Principal will inform and seek assistance from the MACS Regional Office.

Policy Statement

Authority for expulsion

Only the Principal has the authority to expel a student from the College. The Principal may not delegate their power to expel a student.

The Principal holds the ultimate responsibility for ensuring all processes and procedures associated with expulsion are followed correctly.

The Principal will consult with the MACS Regional Office about a student's expulsion, however, will not proceed to expel a student who is aged eight years or less unless approval has first been obtained from the MACS Director, Learning and Regional Services.

The Principal will inform and seek guidance or assistance from the MACS Regional Office of an expulsion decision.

Grounds for expulsion

The Principal has authority to expel a student if 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, attempts to commit or is knowingly involved in 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
- consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student.

Application

Expulsion will be considered if the student is engaged in the behaviour referred to above while at school, travelling to or from school, is identifiable as a member of the school community, or while engaged in any school activity away from school (including travel to and from that activity).

Criminal offences

Some wrongful behaviours of a serious nature are by definition criminal offences. These may include criminal damage of property, possession of a weapon, theft, assault with weapons, use, possession or distribution of drugs, or sexual assault. The grounds for expulsion listed above are indicative only and not exhaustive.

When the Principal has determined that a serious criminal offence has occurred, they will be mindful of the College's and MACS' duty of care, including those owed to students who are victims or offenders, and staff.

The incident will be reported to the police at the earliest opportunity.

Prior to expulsion

The Principal will notify the student and their family and the MACS Regional Office. Any verbal notification will be confirmed in writing or by email within 24 hours.

If the student is an overseas (international) student as defined by their Visa subclass, the Principal will inform the MACS Regional Office and seek any necessary guidance.

The Principal will convene a Behaviour Support and Intervention Meeting. The purpose of the Behaviour Support and Intervention Meeting is to:

- advise the student and their family that expulsion is being considered
- ensure all available supports and interventions to support the behaviours of concern are considered for the student
- outline the grounds for expulsion that are being considered and the evidence to support a finding that the student has engaged in relevant conduct
- ensure the student and their family have the opportunity to be heard
- consider the impact of the behaviour of the student on other affected parties
- 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.

Prior to the Behaviour Support and Intervention Meeting, the Principal will contact the student and their family to:

- provide a copy of *Expulsion of Students: Information for Families*
- advise of the date, time and place for the Behaviour Support and Intervention Meeting
- encourage them to attend the Behaviour Support and Intervention Meeting
- advise that if they are unable or unwilling to attend, the student may nominate another adult to attend the Behaviour Support and Intervention Meeting
- advise of the matters to be discussed at the Behaviour Support and Intervention Meeting, including the impact of key issues on the affected parties
- advise that they may be accompanied at the Behaviour Support and Intervention Meeting by an independent support person of their choice who is not acting for fee or reward
- 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.

The Principal will determine whether the assistance of an interpreter in any language (including Auslan) is required by any person who is to attend the Behaviour Support and Intervention Meeting and arrange for such assistance to be present at the meeting.

When conducting a Behaviour Support and Intervention Meeting, the Principal will ensure that the meeting is conducted as informally as possible.

If the student and their family do not attend the Behaviour Support and Intervention Meeting, the Principal will ensure that key points discussed at the meeting are recorded in writing and sent to the student and their family.

Where requested, the Principal will provide access to counselling for the student and/or their family with assistance from the MACS Regional Office.

Decision regarding expulsion

Before deciding to expel a student, the Principal will:

- properly, fairly and without bias consider all the relevant matters, including the impact of the behaviour of the student on other affected parties, in making their decision
- determine whether the expulsion is appropriate when compared to:
 - the behaviour for which the student is being expelled
 - the educational needs of the student
 - any disability the student may have
 - the age of the student
 - the magnitude and impact of the student's actions
- ensure that principles of procedural fairness are followed in the decision-making process, including that the student and their family have the opportunity to be heard, any information or documentation provided by the student or their family has been taken into account when making the decision regarding expulsion, and other forms of action to address the behaviour for which the expulsion is considered have been explored.
- The Principal will notify the student and their family of the decision to expel or not expel the student within 10 business days of the conclusion of the Behaviour Support and Intervention Meeting.

If the Principal decides to expel the student, they will provide the student and their family with the following documentation:

- *Notice of Expulsion of Students* which must state:
 - the ground/s for the expulsion

- the reason/s for the expulsion
- the date of the commencement of the expulsion
- that the student has a right to appeal the expulsion decision.
- A copy of the *Expulsion of Students Appeal Information and [Form](#)*.
- An *Expulsion of Students Report* which will be in writing and contain:
 - a short statement of the history of the student's time at school
 - the ground/s for the expulsion
 - the reason/s for the expulsion
 - considerations in support of the expulsion, including a comprehensive range of strategies which might have been employed
 - any considerations of the impact of the behaviour on other affected parties
 - any representation made by the student or their relevant person
 - a summary of the options considered at the Behaviour Support and Intervention Meeting and why the expulsion was considered necessary
 - details of the arrangements that have been made for continuing education, training and/or employment of the student
 - recommendations on whether any further action at the College, local, regional or system level is required, including strategies at the School level to prevent the repeat of similar circumstances.

Within one business day of the expulsion taking effect, a copy of the *Notice of Expulsion of Students* and *Expulsion of Students Report* must be provided to the MACS Regional Office.

Following expulsion

The Principal will ensure that the student is provided with other educational and development opportunities as soon as practicable after the expulsion, with the assistance of the MACS Regional Office.

In the case of a student of compulsory school age, the Principal, with the assistance of the MACS Regional Office, will ensure that the student is participating in one or more of the following as soon as practicable:

- enrolment at another registered school
- enrolment at a registered training organisation
- engagement with an employment agency or other organisations that provide services that support the future employment of the student.

In the case of a student of compulsory school age, the Principal will provide the student with meaningful work from the time of the expulsion until the student is participating in one or more of the options specified in 5.1, and monitor the completion of that work.

The obligations above do not apply if an exemption to compulsory school age under section 2.1.5 of the *Education and Training Reform Act 2006* (Vic.) applies.

In the case of a student who is beyond compulsory school age, the Principal, with the assistance of the MACS Regional Office, will provide the student and their family with information about other schools or registered training organisations that may provide suitable opportunities for the student, or employment agencies or other organisations that support the future employment of the student.

Appeal process

Students and their families have the right to appeal the expulsion decision through the MACS Regional Office.

Any review of a decision to expel will reference all relevant records to determine if principles of procedural fairness were followed in the decision-making process.

The Director, Learning and Regional Services will designate a Regional General Manager from a different region to oversee the appeal process.

Students and their family have the right to appeal the expulsion decision through the designated MACS Regional General Manager.

Any review of a decision to expel will reference all relevant records to determine if principles of procedural fairness were followed in the decision-making process.

A student and their family should contact the designated MACS Regional General Manager for further advice regarding lodging an appeal against the expulsion decision and the procedure to be followed.

A student and/or their family may appeal a Principal's decision to expel the student to the designated MACS Regional General Manager on the following grounds:

- there have not been sufficient interventions and strategies utilised prior to the decision to expel where the student has a history of behavioural issues
- the grounds on which the student has been expelled are unfair
- the expulsion process was not followed by the Principal
- other extenuating circumstances.

The *Expulsion of Students Appeal Information and Form* must be received by the designated MACS Regional General Manager within 10 business days of the student and their parents/guardians/carers/relevant person receiving the *Notice of Expulsion of Students*.

The designated MACS Regional General Manager will contact the Principal and obtain a copy of the following documents within one business day of receiving the *Expulsion of Students Appeal Information and Form*:

- *Notice of Expulsion of Students*
- *Expulsion of Students Report*.

The designated MACS Regional General Manager may appoint an Expulsion Review Panel to review the Principal's decision to expel the student, and will notify the MACS Director, Learning and Regional Services that a review panel is being formed.

The designated MACS Regional General Manager will determine to either:

- uphold the decision made by the Principal to expel the student
- overturn the decision made by the Principal to expel the student.

The designated MACS Regional General Manager will notify the MACS Director, Learning and Regional Services of the decision.

Expulsion Review Panel

Where an Expulsion Review Panel is appointed by the designated MACS Regional General Manager, the panel will:

- provide an opportunity for the student and their family/parents/guardians/carers/ relevant persons to be heard
- provide an opportunity for the Principal to be heard – either in person or by some other means considered appropriate by the panel
- consider the safety and wellbeing of affected parties, including where the expulsion decision

may be overturned, relevant to the grounds of the appeal

- provide an Expulsion Review Panel Report to the MACS Regional General Manager outlining the relevant facts and considerations, and recommending the decision that should be made in relation to the expulsion appeal.

The Expulsion Review Panel will:

- comprise at least three persons who are independent and not associated with the College and have no knowledge or other connection to the circumstances of the expulsion
- not include a person who participated in the Behaviour Support and Intervention Meeting prior to the expulsion.

An Executive Officer must be appointed to assist the Expulsion Review Panel.

The role of the Executive Officer is to:

- liaise with the panel members to determine an appropriate date, time and place to convene an Expulsion Review Panel meeting
- contact the family and student and advise them of the following:
 - the date, time and place for the Expulsion Review Panel meeting
 - that they are encouraged to attend the meeting
 - that they may be accompanied at the meeting by an independent support person of their choice who is not acting for fee or reward
 - that if they do not attend the Expulsion Review Panel meeting, the meeting may proceed in their absence, and the Expulsion Review Panel Report to the designated MACS Regional General Manager may be prepared without the benefit of hearing from the student and their relevant person
- determine whether the assistance of an interpreter in any language (including Auslan) is required by any person who is to attend the Expulsion Review Panel meeting and arrange for such assistance to be present at the meeting
- ensure that the panel members receive the following documents prior to the Expulsion Review Panel meeting:
 - *Notice of Expulsion of Students*
 - *Expulsion of Students Appeal Information and Form*
 - *Expulsion of Students Report*
- ensure panel members are fully informed of their role.

The Expulsion Review Panel will provide a completed Expulsion Review Panel Report to the designated MACS Regional General Manager within three business days of the conclusion of the Expulsion Review Panel meeting.

The Expulsion Review Panel Report will be considered prior to making a determination, but the designated MACS Regional General Manager is not bound to follow the recommendations made by the Expulsion Review Panel.

A determination will be made within 10 business days of receiving the expulsion appeal.

The designated MACS Regional General Manager or delegate will verbally notify the student, their family and the Principal of the outcome of the appeal within two business days of the decision being made.

The designated MACS Regional General Manager will provide written notification to the student, their family/ parents/guardians/carers/relevant persons and the Principal of the determination made in

relation to the appeal.

A copy of the Expulsion Review Panel Report will be sent to the student, their family and the Principal.

If the designated MACS Regional General Manager overturns the Principal's decision to expel the student, 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/guardians/carers/relevant persons, and the student's teacher/s to develop an *Expulsion of Students – Return to School Plan*
- the record of expulsion is removed from the student's permanent record
- the student and their family are notified in writing that the expulsion has been removed from the student's record.

Record keeping

The Principal is responsible for ensuring all records pertaining to any incident involving expulsion are carefully recorded, filed and retained on the School records, in accordance with Public Record Office Victoria Recordkeeping Standards.

Related documents

[Expulsion of Students: Information for Families](#)

[Notice of Expulsion of Students](#)

[Expulsion of Students Report](#)

[Expulsion of Students Appeal Information](#)

[Expulsion of Students Appeal Form](#)

[Expulsion of Students – Return to School Plan](#)

Date approved	
Name	Anna Negro
Signature	
Author	Deputy Principal - Student Wellbeing
Date presented at Council meeting	

Policy Name:	Expulsion of Students Policy
DRAFTED:	Aug 2022
Sponsor:	DP - Student Development
Major Notable Changes:	<ul style="list-style-type: none"> Stand alone policy created
Reason for Changes:	<ul style="list-style-type: none"> MACS recommendations and template provided for use.

	Specify committee or team name	Review and approval date:
School Committee:	House Leaders	August 2022
Subcommittee of the College Advisory Council:	Wellbeing	Aug 2022
Student Leadership Team or similar:	N/A	

Policy Location:	Staff Handbook <input checked="" type="checkbox"/>	Student Space <input type="checkbox"/>	Parent Portal <input type="checkbox"/>	Website <input type="checkbox"/>
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