

*Educational excellence and Catholic Values*

# Policy Statement

Suspension, Negotiated Transfer  
and Exclusion of Students in  
Catholic Systemic Schools Policy

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Issued by Department of Human Services



**Catholic** Education  
Diocese of Parramatta

## Suspension, Negotiated Transfer and Exclusion of Students in Catholic System Schools Policy.

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Replacing: Suspension and Expulsion Procedures 1996

Renew date: The Catholic education system in the Diocese of Parramatta will monitor the use of this policy and will ensure that it is reviewed by 2008.

Related system policies, documents and procedures:

- Systemic Catholic Schools in the Diocese of Parramatta, Principles underpinning Provision, Access and Enrolment (2001)
- Catholic Education: Pastors and Principals in Partnership (2001)
- Enrolment Procedures in Catholic Systemic Schools, Diocese of Parramatta (2002)
- Enrolment Guidelines for Students with Special Needs (2003)
- Maintaining Right Relations (2002)
- Policy, procedures & resources for matters involving students and illegal substances (1999)
- Anti-Bullying (2005)
- Registration Systems and Member Non-government Schools (NSW) Manual (2004)

# Suspension, Negotiated Transfer and Exclusion of Students in Catholic System Schools Policy.

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## 1.0 Rationale

As a system of schools, the Diocese of Parramatta establishes policies and procedures that inform and support the learning outcomes of students under its care. By enrolling in one of our Catholic systemic schools students and parent(s)/carer(s) agree to support these policies and procedures.

1.1 One of the distinguishing characteristics of the Catholic school, as part of its evangelising mission, is the development of community and the creation of a climate and culture permeated by Gospel values, which respects the dignity of all human persons. The Catholic school takes its stand within the organic pastoral work of the Christian community (*The Catholic School on the Threshold of the Third Millennium: 12*) Our schools must be places of welcome and safety for students, their families and staff (*A Statement on Teaching and Learning, 2003*) To be inviting, inclusive and just is to ensure that we work to promote the common good in our schools, the system as a whole and the wider society (*Vision Statement, 1999*)

1.2 In the Catholic school environment students are, therefore, guided and encouraged to develop a sense of responsibility, self-control and self discipline, and regulate their conduct in accordance with Christian principles. Through this development students come to:

- Respect the welfare and needs of themselves and others
- Enhance the development of positive self image
- Gain a sense of belonging within the school and wider community
- Develop an understanding of the consequences of their behaviour

1.3 Despite the focus on these positive outcomes, the continued serious inappropriate behaviour of a minority of students may require principals, in justice to all students, to consider their suspension and/or exclusion from the school. None the less, any form of “constructive exclusion” would be outside the scope of the policy as it would be in breach of procedural fairness and inconsistent with Gospel values.

1.3 Since the current suspension and exclusion procedures were written in 1996. There have been developments in many areas.

These include:

- The principles of exclusivity and justice explicit in the (*Vision Statement for Systemic Schools in the Diocese of Parramatta 1999*).
- The Enrolment documents published in 2001 and 2002, (*The Enrolment of Students with Special Needs 2003*) document and the document, (*Pastors and Principals in Partnership, 2001*)
- Issues of due process and procedural fairness highlighted in recent court cases and through the Board of Studies (*Registration Systems and Member Non-government School (NSW) Manual, 2004*), (*Disability Discrimination Act, 1992*), (*Disability Standards, 2005*) and supported in (*Maintaining Right Relations, 2003*).

### 2.0 Principles

- 2.1 Enrolment in a Catholic school invokes mutual rights and responsibilities between the school, the parent(s)/carer(s), the student and the Diocesan community in which relationships are characterised by mutual regard, support, forgiveness and Christian hope.
- 2.2 We have “*a particular responsibility to accept and support those who are poor, marginalized and in most need.*” (*Systemic Catholic Schools in the Diocese of Parramatta, Principles underpinning Provision, Access and Enrolment 2001*).
- 2.3 Inclusive school communities “*embrace the diversity of peoples and cultures*” (*Vision statement 1999*).
- 2.4 Our commitment to justice is shown through administrative and educational practices that address issues of access and equity.
- 2.5 The promotion of quality teaching and learning is the fundamental obligation of all who are involved in education.
- 2.6 Our schools are educating communities and all members are entitled to a safe environment conducive to learning.
- 2.7 Enrolment in a Catholic school involves parent(s)/carer(s) and students making choices and being responsible for their choices.
- 2.8 Continued choice of significant inappropriate behaviour means a student may be making a choice not to be a member of the community.
- 2.9 We have a particular duty to take into account any disability which may affect a student’s ability to make informed choices.
- 2.10 Our schools demonstrate procedural and substantive fairness and observe the need for confidentiality in their policies and procedures in dealing with student welfare and discipline matters.

### 3.0 Statement of policy

Once students are enrolled at a Catholic systemic school in the Diocese of Parramatta they and their parent(s)/carer(s) become part of the systemic community of schools based on the principles stated above. Therefore, any decision to remove students on a temporary, permanent or partial basis from the full life of the school will also be based on these principles. Any form of suspension or exclusion will be a result of a documented and transparent process, with due consideration to the confidentiality of all parties, including serious and substantial concerns, procedural fairness, consultation and appropriate pastoral and educational support.

### 4.0 Scope

This policy and these procedures apply to students enrolled in Catholic systemic schools and other educational units under the care of the Catholic Education Office, Diocese of Parramatta.

### 5.0 Definitions

#### 5.1 Procedural fairness

Procedural fairness requires us to act justly in resolving discipline and pastoral situations. *“Processes will be conducted with procedural fairness ensuring fair practice and equity” (Maintaining Right Relations, 2003).* Students have a right to education in law and under Diocesan enrolment policies, so they have a right to be heard in matters that may affect their enrolment on a temporary or permanent basis.

- While the age and developmental levels of the student need to be taken into consideration, in general, students should know why the proposed action is happening, how the issues will be determined, what the allegations are and how any matters related to these will be taken into consideration. They should be given a timeline in which steps will be taken. They should also be given an opportunity to respond.
- They have the right to have a support person present where the allegations are serious.
- They have the right to seek and receive advice.
- They have a right of appeal.
- Procedural fairness requires impartiality of the decision maker. While separating investigation and decision making may not always be possible in a school situation, it is advisable to do this as far as practicable in cases where an investigation is proceeding so that the roles are not compromised. A decision should not be made until all the facts are known, the student has had the opportunity to respond and, in serious cases, the student has an opportunity to obtain advice.
- In communicating with parent(s)/carer(s) the same degree of care needs to be taken in identifying the reasons for suspension negotiated transfer or exclusion and how the issues will be determined.
- Consideration is always given to extenuating circumstances before any proposed action is taken.

#### 5.2 Suspension

Suspension means that a student’s right to attend school or classes has been withdrawn for a period of time. It may be **in school** suspension, where the school changes the formal learning arrangements of the student or **out of school suspension**, where the parent(s)/carer(s) takes responsibility for the student.

#### 5.3 Considerations for Suspension

- Suspension is designed to allow a period of time when the school, parent(s)/carer(s) and the student involved can work together on the resolution of the problem that has led to the student’s suspension.
- The principal has the delegated authority from the Executive Director to suspend a student from school and must not delegate this to anyone.

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- In-school suspension may be actioned by the assistant principal or other appropriate staff member given authority to do so by the principal within the parameters set down by the principal and adhering to the principles within this document.
- Immediate suspension is appropriate and at times essential for matters of criminality, intimidation of staff or other students, vexatious allegations, and concerns about the safety of staff and students.

### 5.4 Length of suspension

The duration of suspension relates to the severity of the particular situation and issues such as any previous suspension, and is addressed in the procedures document. Suspensions of more than 5 school days and/or multiple suspensions must have the approval of Head of School Services. Suspensions beyond 10 school days must be referred to the Executive Director of Schools.

### 5.5 Negotiated Transfer

Negotiated Transfer means a documented and mutually agreed move to another school and is arranged in cooperation between the student, family, principal, parish priest or coordinating pastor, the receiving school, the original school and the Head of School Services.

- When all other pastoral and discipline measures, including suspension, have failed to resolve an issue of serious inappropriate student behaviour then a negotiated transfer may be considered.
- A Negotiated Transfer may be considered in giving students a “fresh start”.
- The Head of School Services must give final approval before a decision is made.

### 5.6 Compulsory Transfer

Compulsory transfer means a student is compulsorily moved from one school to another school within the system of schools after all other pastoral and discipline means including suspension have failed to address the presenting problem of the student.

- When the continued presence of a student is not beneficial for the student themselves or other students, school principal makes a recommendation, to the Head of School Services for compulsory transfer.
- The Head of School Services, Parish Priest or Coordinating Pastor and Principal are involved in placing the student in another school.
- The final decision to compulsorily transfer a student rests exclusively with the Head of School Services.

### 5.7 Exclusion

Exclusion means the total withdrawal of a student’s right to attendance at both a particular school and all schools in the Diocese of Parramatta. It involves termination of the contract entered into by the Parramatta Diocesan system of schools, through the school principal, and the parent(s)/carer(s) at the time of enrolment.

- When the continued presence of a student at the school is untenable or the student’s presence at the school places other members of the school community in jeopardy, school principals make a recommendation of exclusion, through the Head of School Services, who would make a recommendation to the Executive Director of Schools.
- The Head of School Services and the parish priest or co-coordinating pastor are closely involved in the discernment process when the exclusion of a student is under particular consideration.
- The decision to exclude rests exclusively with the Executive Director of Schools.

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### 6.0 Right of appeal

Part of the concept of procedural and substantive fairness is a right of appeal in regards to decisions made about a student's continued attendance at a school in the Diocese of Parramatta.

- Students and their parent(s)/carer(s) have the right to request a review of the recommendation to suspend or exclude.
- Review of decisions to suspend or exclude will only be on the basis of application of substantive and procedural fairness.

### 6.1 Suspension

In the first instance the request for review would be made to the Principal. If the issue cannot be resolved at that level the student, parent(s)/carer(s) may appeal to the Head of School Services whose decision is final.

### 6.2 Compulsory Transfer

In the first instance the request for review would be made to the Head of School Services. If the issue cannot be resolved at this level the student, parent(s)/carer(s) may appeal to the Executive Director of Schools.

### 6.3 Exclusion

The request for review would be made in writing to the Bishop of the Diocese of Parramatta.

Signed \_\_\_\_\_  
Executive Director of Schools

Date \_\_\_\_\_

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