

1. Summary

1.1 This policy sets out the expectations and procedures for Catholic Education Archdiocese of Canberra and Goulburn (CECG) schools to support and respond to students exhibiting challenging behaviours. It outlines the range of possible responses from behavioural support within schools to restorative and behaviour management options outside of school, in line with ACT and NSW laws. It applies to all CECG Schools in ACT and NSW and should be read together with the School, ELC, and SAC Bullying and Harassment Policy.

2. Behavioural Support Policy

2.1 CECG fosters a teaching and learning environment where there is good order and purposeful learning.

2.2 Enrolment in a school involves mutual rights and responsibilities of the Principal and staff, the parents/carers and the student, and all members are entitled to a safe environment conducive to quality teaching and learning.

2.3 To support these mutual rights and responsibilities, this policy provides behavioural support approaches that reflects Gospel values and respects the dignity of students. If necessary, schools may also develop additional procedures to support individual students or school-specific needs.

2.4 If a student exhibits challenging behaviours that interfere with the good order of the school or the safety and dignity of students and staff, behavioural support may be required. More serious or continuing disruptive behaviour may require increased support, restorative measures, or corrective responses.

2.5 Challenging behaviours that interfere with the good order of schools or the safety and dignity of students and staff include:

- Behaviour disruptive to the student's own learning and/or to other student's learning, including consistent and wilful non-compliance
- Aggressive, dangerous or violent behaviour or possession of a weapon at school
- Drug-related behaviour including use, supply, or possession of alcohol, tobacco, or a suspected illegal or restricted substance
- Sexualised behaviour and sexual harassment of other students or staff
- Other behaviours believed to warrant action
- Acute or extreme anti-social behaviour such as harassment, offensive language, or acts of extremism.

2.6 Schools' duty of care authorises and requires them to respond to challenging behaviour of students at school, on the way to and from school, and while away from the school site on school endorsed activities.

2.7 Duty of care also authorises schools to respond to challenging behaviour outside of school hours and off school premises where there is a clear and close connection between the school and the conduct of students. These include the use by a student of social networking sites, mobile phones and/or other technology to threaten, bully or harass another student or a staff member.

3. Behavioural Support

- 3.1 The first response to challenging behaviours should attempt to understand the reasons behind the student's behaviour. CECG schools should respond with behavioural support that focuses on the personal development of the students in the first instance, unless there are safety or other reasons the response should be escalated to out-of-school options.
- 3.2 For students who require ongoing behavioural support or have identified complex needs, a formal Positive Behaviour Support Plan and Risk Assessment may be appropriate or required.
- 3.3 Responses to challenging behaviours should not escalate until reasonable behavioural supports have been implemented.
- 3.4 CECG workers must NOT use corporal punishment in any circumstances. Workers also must not explicitly or implicitly sanction corporal punishment by other people, including parents, to enforce discipline at the school.
- 3.5 Restrictive practices may be appropriate in limited circumstances to support students and care for staff and student safety. They are not disciplinary measures and must only be applied in line with the CECG Restrictive Practices Policy.

4. Escalating the Response and Procedural Fairness

- 4.1 If reasonable behavioural support is unable to resolve a student's challenging behaviour, it may be in the best interests of the student and/or the school community for Principals to escalate the response to include disciplinary measures.
- 4.2 Decisions to escalate responses to challenging behaviours, particularly decisions to suspend, transfer or expel students, must be based on principles of procedural fairness. These principles include:
 - the decision-maker and process is free from bias
 - decisions are based on evidence that supports the facts, and
 - any person that may be adversely affected by decisions has an opportunity to present their case and have their input considered before a decision is made.
- 4.3 To ensure procedural fairness is served, Schools will:
 - provide relevant policies and procedures to involved parties. For example the Policies which relate to the alleged conduct must be provided to the parents/carers of the relevant student
 - ensure decisions are based on sufficient information, gathered and recorded in line with the CECG Routine Complaints Investigation Policy
 - provide students and parents/carers with relevant information regarding the nature of the allegation so they understand (whether a single specific issue, or a behaviour that forms part of a previously discussed pattern) and are given sufficient time to consider and respond to the matters raised
 - provide the student the opportunity to respond to the allegations and in doing so take into consideration the student's maturity and capacity for understanding and responding to the allegation

- consider the student’s and parent’s/carer’s response when making a decision about suspension
- provide the parents/carers and students with sufficient information about the decision-making process, in a language and mode that the student and parents/carers can understand, to allow their participation in the process
- ensure the decision maker acts impartially when making the decision, and
- advise of any process to request a review of a decision.

4.4 The time at which these steps occur may differ from case to case, provided they enable all parties to participate appropriately in a decision-making process that is based on fact and free from bias.

5. Suspension of Students

5.1 Suspension of students may be appropriate as a restorative measure allowing a student and the school time to reflect on the challenging behaviour and identify the appropriate response.

5.2 CECG Principals are authorised to suspend students for up to five consecutive days. Any suspension longer than five days can only be authorised by the CECG Director, on the recommendation of the school Principal.

5.3 **In the ACT** student suspension is limited to a maximum of 20 days.

5.4 **In NSW** there is no mandated maximum limit for student suspensions.

5.5 Additional legal requirements for Suspension are listed in **Attachment 1**.

5.6 Suspension may involve in-school or out-of-school suspension:

Term	Description
In-School Suspension	Student attends school and is excluded from class and other students as appropriate. The formal learning arrangements will usually be altered so the student does not attend regular class and school activities for the duration of the in-school suspension. This could include alternative arrangements for break times. Appropriate supervision and work are provided during this period in a space separated from the student body. Generally, the student would not participate in special school events held during the in-school suspension period.
Out-of-School Suspension	Student is unable to attend school for a designated period of time however will usually be provided with appropriate learning activities to complete. Out of school suspension is designed to allow a period of time when the school, parents/carers and the student involved can work together on the resolution of the problem that has led to the student’s suspension. The student’s right to attend school has been withdrawn for a defined period of time. Responsibility for the student’s safety and welfare during this time is transferred to the parents/carers. The student is not to be on the school premises during this period.

6. Process for Suspension

6.1 Before a decision to suspend a child is made, the Principal must ensure the procedural fairness requirements have been met.

6.2 After a decision to suspend a child is made, the Principal must

- Ensure that a suspended student under statutory leaving age does not leave the school until the end of the school day unless parents have arranged supervisory responsibilities that ensure the safety of the student. The suspension period begins on the following day.
- Ensure that parents or guardians of the suspended student are made aware, verbally and in writing, that the school no longer has a responsibility for a suspended student until the student returns to school.
- Immediately notify the Leader of the School and Family Services team using either the ACT Student Suspension Notification or NSW Student Suspension Notification forms.
- If appropriate, inform the Parish Priest or Chaplain of the suspension.
- Ensure that when a student returns to the school following a period of suspension, the school provides appropriate support and developmental programs that enable the student to re-establish their reputation in a positive way and resume normal activities as a full member of the school community.
- Ensure that before resuming normal classes, the student is interviewed by the Principal or a delegate and the developmental program of support outlined. In most instances it is appropriate for the parents to be involved in this interview.
- Ensure that the period of suspension does not to exceed five (5) consecutive school days, unless the CECG Director has provided authorisation.

6.3 A decision to suspend a student is subject to review under the CECG Complaints Policy. CECG is able to resolve complaints under the Complaints Policy if decisions breach CECG policies or relevant laws, or if policy or procedure is deficient in some way or was not followed in the decision-making process.

7. Counselling after suspension

7.1 **In the ACT**, a suspended student must be given a reasonable opportunity for counselling after 7 school days suspension (not necessarily consecutive) in a single term. The Principal has the discretion to offer counselling to the student before this time.

7.2 **In NSW** there is no legal requirement to provide counselling to students who have been suspended. The Principal has the discretion to offer counselling to the student as part of a behavioural support program.

8. Exclusion, Expulsion or Transfer of Students

8.1 In circumstances where behavioural support and restorative practices are insufficient to address behaviours that cause serious disruption to the school or threaten the safety of students or staff, exclusion, expulsion or transfer of students may be appropriate. 'Exclusion', 'expulsion' and 'transfer' have slightly different meanings in the ACT and NSW (see Definitions below).

8.2 The decision to exclude, expel or transfer a student may only be made by the CECG Director on the written recommendation of the Principal, if the Director is satisfied that the circumstances warrant exclusion, expulsion or transfer.

8.3 Before recommending exclusion, expulsion or transfer of a student Principals must:

- Notify the CECG Director, the Leader of CECG School and Family Services, the student, relevant staff, the student's parents, of a serious matter involving the student, and that the process that may lead to exclusion is commencing.
- Give the student information about the serious matter and asks for the student's response, taking into account the student's maturity and capacity for understanding.
- Consult with the parents of the student.
- Give the student reasonable opportunities to attend counselling and pastoral guidance and/or participate in relevant education programs or provide other appropriate assistance.
- Liaise closely with the Leader of CECG School and Family Services.
- Gather information, consult with those involved, ensure procedural fairness and confidentiality, and ensure that written records are kept.

8.4 To recommend exclusion, expulsion or transfer Principals must:

- Notify the parents or guardians verbally, and in writing, that a recommendation to exclude, expel or transfer the student will be made to the Director and the reasons for this.
- Send a recommendation in writing to exclude the student to the CECG Director, with a written report including the details of the supports provided for the student and the rationale for recommending the exclusion of the student.

8.5 To exclude, expel or transfer a student, the CECG Director must:

- Make a decision in response to the Principals recommendation within five (5) working days of receiving the documentation.
- Advise the student and the student's parents in writing by registered mail of that decision, including details of the appeal process.
- If the student is excluded from all Catholic Systems schools, notify the Registrar of ACT Non-Government Schools in writing of the exclusion of a student.

9. Procedures to review a decision to exclude, expel or transfer a student

9.1 The parents or guardians and the student may lodge a written request to review the CECG Director's decision. The request must be sent to the CECG Director within ten (10) days of receiving written notification of the Director's decision.

9.2 The Director refers the appeal to the Chair of the Catholic Education Commission, who may dismiss the request for review or form a panel to review the decision and the decision making process.

9.3 The panel must include the Chair of the Catholic Education Commission, a parent member of the Catholic Education Commission, and another Principal - or their delegates.

9.4 The panel must make a decision within three (3) days of the appeal hearing and send written notification of the outcome of the appeal to the CECG Director, the student and parents or guardians of the student, and the school Principal. The panel may also notify other relevant parties involved in the process.

10. Definitions

Suspension: A student is required to leave a school for a specified period of time and that the student's return is subject to specified conditions.

Statutory leaving age ACT: A child who has completed Year 12 or has reached 17 years of age has attained the school leaving age.

Statutory leaving age NSW: A child who has reached 17 years of age or has completed Year 10 and is above 15 years of age and engaged in paid work or a combination of approved education or training and paid work has attained school leaving age.

ACT

Exclusion means excluding a student from all Catholic systemic schools.

Expulsion: In the ACT, the term expulsion is no longer used; the closest reference is to “transfer to another Catholic systemic school”.

NSW

Exclusion: Preventing a student’s admission to a number of schools; in extreme circumstances, this can involve all the schools in a single system or from other schools.

Expulsion: Permanent removal of a student from one particular school.

Transfer: Permanent removal of a student from one particular school where the student is not prevented from applying for enrolment at another Catholic Education Archdiocese of Canberra and Goulburn (CECG) System school. In some cases the Principal can assist the student’s voluntary transfer to another System school within the Archdiocese.

11. Related Documents and Legislation

CECG Documents:

Restrictive Practices Policy
ACT Student Suspension Notification Record Form¹
NSW Student Suspension Notification²
Complaints Policy
Routine Complaints Investigation Policy

Legislation and Standards:

(See also Attachment 1)

[Education Act 2004](#) (ACT)

¹ <https://intranet.cg.catholic.edu.au/formandpolicies/Pages/forms.aspx>

² <https://intranet.cg.catholic.edu.au/formandpolicies/Pages/forms.aspx>

[Education Act 1990 \(NSW\)](#)

[NSW Education Standards Authority, Registered and Accredited Individual Non-government Schools \(NSW\) Manual, Section 3.7](#)

12. Contact

For support or further questions relating to this policy, contact the School and Family Services Team.

Attachment 1 – Summary of Legislative Requirements for Suspension

Detail	ACT: Education Act 2004 Part 4.3 s104	NSW
Criteria	<p>The Principal of the school is satisfied that action should be taken under this section as the student:</p> <ul style="list-style-type: none"> • is persistently and wilfully noncompliant; or • threatens to be violent or is violent to another student attending the school, a member of the staff of the school or anyone else involved in the school's operation; or • acts in a way that otherwise threatens the good order of the school or the safety or wellbeing of another student attending the school, a member of staff of the school or anyone else involved in the school's operation; or • displays behaviour that is disruptive to the student's learning or that of other students. 	Not specified in legislation
Length of suspension	20 days maximum	No time limit
Counselling	A suspended student is to be provided a reasonable opportunity for counselling after seven (7) school days suspension (not necessarily consecutive) in a single term	No legal requirement
Procedural Fairness requirements	Yes	Yes
Parent consultation required re proposed actions	Yes	Not specified in legislation
Parents/carers told in writing re proposed actions	Yes	Not specified in legislation
Student is involved in the process and views	Yes	Not specified in legislation

Student provided information about decision making process in language and way that understand this	Yes	Not specified in legislation
Student provided reasonable opportunity to continue education during suspension	Yes	Not specified in legislation
Director may immediately suspend student in certain circumstances and must comply where reasonably practicable with procedural requirements	Yes	Not specified in legislation
Is able to suspend the student whilst deciding what other action take, if any	Yes	Not specified in legislation
Decision Maker	Archdiocesan Principals are authorised in the ACT and NSW to suspend students for up to 5 consecutive days. Any consideration of suspension longer than 5 days must be authorised by the Director	