



EDMUND RICE EDUCATION AUSTRALIA

**VICTORIAN
SCHOOLS LTD**

ABN 90 659 880 985



Suspension, Negotiated Transfer and Expulsion of Students

Policies and Procedures

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1. Introduction

St Patrick's College is a school governed by Edmund Rice Education Australia Victorian Schools Limited (EREA VSL).

As a Catholic school in the Edmund Rice tradition, our Christian values are expressed through the Touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity. The Touchstones underpin our continued commitment to providing a caring, supportive, safe and inclusive environment for all to grow in empathy and respond in faith, and action.

St Patrick's College's 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.

The *Education and Training Reform Act 2006* (Vic) (s 4.3.1(6) and s 4.3.8C(1)(a)) requires that policies relating to the discipline of students are to be based on principles of procedural fairness and must not permit corporal punishment.

To this end, St Patrick's College commits to working in partnership with families, parents, carers and guardians and is guided by values of justice, equity, integrity, respect and compassion.

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.

St Patrick's College's Student Behaviour Management Policy details related expectations and procedures for fulfilling the School's responsibilities in promoting positive student behaviour, responding to students who present with challenging behaviour and creating positive learning environments.

In determining whether a student's behaviour is serious enough to warrant suspension, negotiated transfer or expulsion, the Principal/Deputy Principal will consider the safety, care and wellbeing of the student, staff and other students. In such circumstances, the interests of the student 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 safe working and learning environment.

2. Purpose

The Suspension, Negotiated Transfer and Expulsion of Students Policy and Procedures defines the grounds, policy and procedures that St Patrick's College must follow prior to, and during the process of suspending, negotiating a transfer of or expelling a student.

3. Scope

The policies and procedures contained in this document apply to all schools and school boarding premises that are owned, operated and governed by EREA VSL, except Special Assistance Schools that respond to student behaviour through Operation By Principles (OBC) and Collaborative Problem Solving.

4. Definitions

4.1 General

Term	Definition
Expulsion	Expulsion is the termination of the Contract entered into by the student's parent(s)/guardian(s) at the time of the enrolment. Expulsion occurs when, following endorsement from the EREA VSL Chief Executive Officer (CEO), a student's enrolment at their current school is permanently withdrawn by the Principal.
Delegate	A role, position or group (such as a committee) that has authority to act or make decisions in the manner and to the extent prescribed in a policy, framework or delegation instrument.
Mature minor	For a variety of reasons students under the age of 18 sometimes ask to make decisions on their own behalf, without involvement of their parent(s) or guardian(s). The law recognises that a young person with sufficient maturity and intelligence may reach a stage where they are capable of making their own decisions about a wide range of issues including decisions about their education, healthcare and wellbeing before they are 18 years old. These young people are often referred to as mature minors. Refer to Section 4.1 for guidance on mature minors.
Negotiated transfer	A negotiated transfer is when the Principal, in consultation with a student's parent(s)/guardian(s), negotiates the transfer of a student to another registered school. A negotiated transfer ends the enrolment agreement with the student's current school and requires enrolment in another school.
Parent(s)/Guardian(s)	Throughout this document, parent(s)/guardian(s) refers to any of the following: parent, guardian, carer, foster carer, kinship carer, or family member.
Procedural fairness	Procedural fairness is also known as 'natural justice'. It requires the right to respond, the right to be treated without bias, and a decision being based on relevant information.
School	A registered school (including school boarding premises) owned, operated and governed by Edmund Rice Education Australia Victorian Schools Limited.
Student Absence Learning Plan	A Student Absence Learning Plan is implemented to support the education of a student who is absent from school due to suspension for more than three days. A school may provide learning materials using a range of methods including the school's intranet or email.

Term	Definition
Support person	An adult person nominated to provide emotional support and reassurance. A support person cannot: - act for a fee or reward - make a decision for a student. The Principal must approve the attendance of a support person at a meeting.
Suspension	A suspension occurs when a student's attendance at a school is temporarily withdrawn, on the authority of the Principal or Deputy Principal (or person authorised by the Principal), for a set period of time. There are two forms of suspension: - Internal (in-school) suspension The student can attend the school site but not participate in scheduled classes or activities for a specified period of time. The school will make provisions for supervision, the completion of school work and access to support(s), as appropriate, until the period of suspension concludes. - External (out-of-school) suspension The student cannot attend the school site for a defined period of time. Responsibility for the student's safety and welfare during this time is transferred to the parent(s)/guardian(s). The school will make provisions for the completion of school work and access to support(s), as appropriate, until the period of suspension concludes.
Vulnerable cohort	A vulnerable cohort refers to groups of students who may face challenges that can hinder their learning and wellbeing, such as those with disabilities, from Aboriginal and Torres Strait Islander descent, from culturally and linguistically diverse backgrounds, in out-of-home care, or with health concerns.

4.2 Mature minor

Parent(s)/guardian(s) are significant and essential partners with schools in actively supporting and nurturing the educational and wellbeing outcomes of students.

The law recognises that a young person with sufficient maturity and intelligence may reach a stage where they are capable of making their own decisions about a wide range of issues including decisions about their education, healthcare and wellbeing before they are 18 years old. These young people are often referred to as mature minors.

While the School will ordinarily engage with a student's parent(s)/guardian(s) about a student's education and welfare, there may be circumstances when, for a variety of reasons, students under the age of 18 may ask to make decisions on their own behalf, without involvement of their parent(s)/guardian(s).

In such circumstances, the Principal is responsible for determining whether a student is a mature minor for the purpose of making a particular decision about their education or welfare. A student may be treated as a mature minor for some decisions and not for others.

When assessing whether a student should be treated as a mature minor for the purposes of a particular decision, the Principal will consider:

- the best interests of the student
- the student's age, maturity level, understanding of the issues and consequences associated with the decision
- their living arrangements (independence)
- the student's academic results, attendance and engagement at school.

The Principal must be satisfied that the student has sufficient maturity, understanding and intelligence to comprehend the nature and effect of the particular decision.

The Principal may consult with the EREA VSL Legal Counsel prior to determining whether a student is a mature minor.

If a student is deemed to be a mature minor by the Principal, the student can nominate a support person for matters associated with suspension, negotiated transfer or expulsion.

5. Principles

In determining whether a student's behaviour is serious enough to warrant suspension, negotiated transfer or expulsion, the Principal/Deputy Principal will consider the safety, care and wellbeing of the student, staff and other students. In such circumstances, the interests of the student 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 safe working and learning environment.

When considering suspension, negotiated transfer or expulsion of a student, guiding principles include:

Principle	Description
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 of time or completely. Suspension, negotiated transfer and expulsion are options available to the Principal in these extenuating circumstances.
Learning and support	Schools must ensure that, where applicable, prior to and during the processes of suspension, negotiated transfer and expulsion: • appropriate learning and behaviour support strategies have been used and documented • appropriate supports within or external to the school have been engaged / consulted. Collaboration and genuine engagement between the School, student and parent(s)/guardian(s) are important features of behaviour support in schools. All parties should be fully aware of the school's child safety, wellbeing and behaviour policies and practices.
Diversity and equity	Schools will consider the circumstances of each student and their family when considering suspension, negotiated transfer or expulsion.

Principle	Description
	School staff should be sensitive to a student's individual circumstances when considering matters and support associated with suspension, negotiated transfer or expulsion. Decisions should be informed by appropriate internal and external guidance e.g. relevant health professionals, Cultural Engagement / Support Officers. When responding to behaviours of concern associated with a student with a disability, consideration must be given to the requirements of the <i>Equal Opportunity Act 2010</i> (Vic), <i>Disability Discrimination Act 1992</i> (Cth) and <i>Disability Standards for Education 2005</i> (Cth). Schools must ensure that reasonable adjustments are in place. A reasonable adjustment is a measure or action taken to help a student with disability take part in education on the same basis as a student without disability.
Transparency and voice	Working together to support a student's learning and wellbeing requires open, clear, and collaborative conversations between school staff, parent(s)/guardian(s) and the student. When responding to matters associated with suspension, negotiated transfer or the expulsion of a student and considering decisions that directly impact a young person, it is critical that all parties: • maintain confidentiality, in line with EREA VSL and school policies, and legislative requirements • acknowledge that the common goal is to achieve an acceptable outcome • act in good faith and in a calm, courteous and balanced manner • show respect and understanding of each other's point of view • value difference and seek common ground rather than judge and blame.

6. Delegations

The EREA VSL Delegations Policy and Instrument provides the following in relation to the suspension, negotiated transfer or expulsion of a student:

Action	Delegation
Suspension of a student (five consecutive school days or less)	Principal or Deputy Principal (or person authorised by the Principal)
Suspension of a student (more than five consecutive school days)	Principal, with prior endorsement of the EREA VSL CEO
Suspension of a student (more than 15 school days in a school year)	Principal, with prior endorsement of the EREA VSL CEO
Negotiated Transfer of a student	Principal (or Acting Principal), after informing the EREA VSL CEO
Expulsion of a student	Principal (or Acting Principal), with prior endorsement of the EREA VSL CEO

7. Review

This document will be reviewed every two (2) years, or earlier if required due to changes in legislation, regulations, other requirements or after any significant incident.

8. Legislation and Standards

Child Wellbeing and Safety Act 2005 (Vic)

Child Wellbeing and Safety (Information Sharing) Regulations 2018 (Vic)

Disability Discrimination Act 1992 (Cth)

Disability Standards for Education 2005 (Cth)

Education and Training Reform Act 2006 (Vic)

Education and Training Reform Regulations 2017 (Vic)

Equal Opportunity Act 2010 (Vic)

Family Violence Protection Act 2008 (Vic)

Family Violence Protection (Information Sharing) Regulations 2018 (Vic)

Ministerial Order 1359 – Implementing the Child Safe Standards – Managing the risk of child abuse in schools

Public Record Office Victoria Recordkeeping Standards

9. Suspension of Students Policy and Procedures

9.1 Policy – Suspension of Students

9.1.1 Context

Suspension occurs when a student's attendance at school is temporarily withdrawn, on the authority of the Principal or Deputy Principal (or person authorised by the Principal), for a set period of time.

Suspension allows the parties involved to reflect on and enter into dialogue about the behaviour and circumstances that have led to the suspension, and to plan and/or review learning and behaviour supports to assist the student to engage positively with school and learning.

There are two forms of suspension:

1. Internal (in-school) suspension

The student can attend the school site but cannot participate in scheduled classes or activities for a specified period of time.

The school will make provisions for supervision, the completion of school work and access to support(s), as appropriate, until the period of suspension concludes.

2. External (out-of-school) suspension

The student cannot attend school or be on the school site for a specific period of time.

Responsibility for the student's safety and welfare during this time is transferred to the parent(s)/guardian(s).

The school will make provisions for the completion of school work and access to support(s), as appropriate, until the period of suspension concludes.

9.1.2 Enrolment agreement

Failure to abide by the School's Enrolment Agreement or school rules, policies and procedures may result in disciplinary action up to the cancellation (termination) of a student's enrolment.

9.1.3 Authority for suspension

Only the Principal or Deputy Principal (or person authorised by the Principal) has the authority to suspend a student from the School.

Where the Deputy Principal (or person authorised by the Principal) has authorised a suspension, the Principal should be notified as soon as practicable.

The Principal must seek endorsement from the EREA VSL Chief Executive Officer (CEO) for a suspension of more than five (5) consecutive school days or more than 15 school days in a school year.

The Principal is responsible for ensuring all procedures associated with suspension are followed correctly.

9.1.4 Grounds for suspension

The Principal or Deputy Principal (or person authorised by the Principal) has authority to suspend a student if the student:

- seriously undermines the ethos and expectations of the School
- 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 person
- consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student
- behaves in a manner contrary to the School's Student Behaviour Management Policy.

The grounds for suspension listed above are indicative only and not exhaustive.

9.1.5 Application

Suspension applies if the student is engaged in the behaviour referred to above while at school, travelling to or from school or is engaged in an away from school activity including travel to and from that activity.

In addition, a suspension may be appropriate where unacceptable behaviour by the student seriously undermines the ethos and expectations of the School.

Exceptional circumstances

In exceptional circumstances, the school retains the discretion to depart from this policy and procedures where adherence would:

- compromise the safety or wellbeing of a child or young person
- conflict with the Victorian Child Safe Standards or other legal or regulatory obligations
- undermine the safety, rights, or wellbeing of staff or the broader school community
- be impractical due to urgent or unforeseen events requiring immediate action.

Any decision to depart from this policy and procedures will be made with careful consideration of the best interests of the student, the school community, and in alignment with applicable legislation, regulatory requirements, and EREA VSL's commitment to child safety and workplace safety.

9.1.6 Criminal offences

Any student behaviour of an alleged criminal nature will be reported to Victoria Police and appropriate authorities.

The Principal or Deputy Principal (or person authorised by the Principal) will be guided by Victoria Police, appropriate authorities and/or legal advice before making a decision under this Policy.

9.2 Procedures – Suspension of Students

9.2.1 Prior to a suspension

1. Before implementing a suspension, the Principal or Deputy Principal (or person authorised by the Principal) will ensure that principles of procedural fairness are followed in the decision-making process, including the consideration of:
 - a) relevant school information and that from external authorities (e.g. Victoria Police due to investigative processes)
 - b) prior actions to address the student's behaviour, where applicable.
2. Prior to a suspension taking effect, or on the day of implementing a suspension with immediate effect, the Principal or Deputy Principal (or person authorised by the Principal) will:
 - a) notify the parent(s)/guardian(s) of:

- the reason(s) for the suspension
 - the school days on which the suspension shall occur
 - where the suspension will occur – at school (internal) or out of school (external).
- b) provide a *Notice of Suspension* (**Appendix 3**) within 24 hours or as soon as possible if the suspension occurs at the end of the school week.

9.2.2 Period of suspension and approval

1. The table below documents the number of days a student can be suspended from school, the approval required and student learning and support requirements:

Period of suspension	Approval	Student Learning and Support
5 consecutive school days or less	Principal or Deputy Principal (or person authorised by the Principal)	• School work • Student support (as required) As required, a <i>Student Absence Learning Plan</i> (Appendix 4) may also be developed
More than 5 consecutive school days	Principal Must seek endorsement from the EREA VSL CEO	• <i>Student Absence Learning Plan</i> (Appendix 4) or similar • Student support (as required)
More than 15 school days in a school year	Principal Must seek endorsement from the EREA VSL CEO	• <i>Student Absence Learning Plan</i> (Appendix 4) or similar • Student support (as required)

2. If a student is suspended for a period longer than the days left in the term, the Principal Deputy Principal (or person authorised by the Principal) will consider the likely disruption to the student's learning before imposing a suspension that will continue into the following term.
3. If a student has been suspended for more than 15 school days in a school year, an expulsion is not an automatic consequence.

Suspension with immediate effect

4. The Principal or Deputy Principal (or person authorised by the Principal) can implement a suspension with immediate effect if the student's behaviour jeopardises their health, safety and wellbeing or the student's behaviour places other persons' health, safety and wellbeing at risk.
5. Where the Principal or Deputy Principal (or person authorised by the Principal) implements a suspension with immediate effect, staff will provide supervision of the student:
 - a) until the student is collected by their parent(s)/guardian(s) or a person nominated as an emergency contact for the student
 - b) if the student is in **out-of-home care**, until the student is collected by an adult who is residing with and providing care to the student
 - c) in the case of a **school camp or excursion**, if paragraphs (a) or (b) do not apply, until the end of the camp or excursion
 - d) in the case of a **boarder**, the School retains its duty of care to that student while they are in the School's care or until collected by parent(s)/guardian(s) or the student departs to travel home e.g. interstate flight.

9.2.3 Return to school meeting

1. A return to school meeting will be conducted with the student and their parent(s)/guardian(s) before the student's return to school following suspension.
2. The Principal or delegate will inform the parent(s)/guardian(s) who will be in attendance at the return to school meeting.
3. If requested and with sufficient prior notice, the Principal may approve the attendance of a support person at the return to school meeting. The student's parent(s)/guardian(s) can nominate a support person to provide emotional support and reassurance. The support person cannot act for a fee or reward and cannot make a decision for the student.
4. The Principal or Deputy Principal (or person authorised by the Principal) may decide to extend the suspension if the return to school meeting does not meet the desired outcomes.
5. A *Return to School Plan* (**Appendix 5**) will be completed as part of the student's re-entry to school process.

9.2.4 Record keeping

1. The Principal is responsible for ensuring all suspensions are recorded, filed and retained in accordance with Public Record Office Victoria Recordkeeping Standards, including in:
 - a) the student's individual file
 - b) the school's register of suspensions, which is maintained by the Assistant Principal, Pastoral Care & Wellbeing, and restricted to authorised users.
2. EREA VSL may seek information from schools on the number, reasons for and frequency of student suspensions.
3. EREA VSL and schools may be required or authorised to share records with other prescribed Information Sharing Entities (ISEs) under the Child Information Sharing Scheme (CISS) or Family Violence Information Sharing Scheme (FVISS), in line with the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM).
4. Confidentiality must be maintained at all times regarding the suspension of students.

9.3 Supporting Documents and Related Policies

9.3.1 Supporting documents

- Appendix 1 – Flowchart for Suspension
- Appendix 2 – Checklist for Suspension
- Appendix 3 – Notice of Suspension
- Appendix 4 – Student Absence Learning Plan
- Appendix 5 – Return to School Plan

9.3.2 Related policies and procedures

- Negotiated Transfer of Students Policy and Procedures
- Expulsion of Students Policy and Procedures
- EREA VSL Complaints Management Policy and Procedures
- Complaints Handling Policy
- Student Code of Conduct
- Student Behaviour Management Policy
- Enrolment Policy
- Enrolment Terms

10. Negotiated Transfer of Students Policy and Procedures

10.1 Policy – Negotiated Transfer of Students

10.1.1 Context

Where pastoral and disciplinary measures, including suspension, have failed to resolve continued unacceptable behaviour by a student, it may be in the best interests of the student and/or the school community to consider a negotiated transfer to another school.

A negotiated transfer of a student is not an expulsion. In circumstances where the current school is not the right environment for the student or in the best interests of the school community, the Principal, in consultation with the student's parent(s)/guardian(s), may negotiate a transfer to another registered school.

A negotiated transfer provides the student with an opportunity for a 'fresh start' when the interventions in the current school have not resulted in positive behaviour changes.

If a negotiated transfer to another school cannot be agreed between the Principal and the student's parent(s)/guardian(s), the School's Expulsion of Students Policy can be applied.

A negotiated transfer will end (terminate) the student's Enrolment Agreement with St Patrick's College.

10.1.2 Enrolment agreement

Failure to abide by the Enrolment Agreement or school rules, policies and procedures may result in disciplinary action or the termination of a student's enrolment.

10.1.3 Authority for Negotiated Transfer

Only the Principal, or a person acting in this position, has the authority to negotiate a transfer for a student.

When the Principal determines that there are sufficient grounds for a negotiated transfer, they will discuss alternative school options with the student's parent(s)/guardian(s).

The Principal is responsible for ensuring all procedures associated with a negotiated transfer are followed.

The EREA VSL CEO should be informed as soon as practicable when the Principal has decided to proceed with a negotiated transfer.

10.1.4 Grounds for Negotiated Transfer

A negotiated transfer may be considered by the Principal when:

- unacceptable behaviour has occurred or has risen to a level where continued enrolment of the student at the School is not in their educational interests nor the interests of others in the School community
- the interventions put in place to support the student modify their behaviour have not resulted in positive change.

The grounds for a negotiated transfer noted above are indicative only and not exhaustive.

10.1.5 Criminal offences

Any student behaviour of an alleged criminal nature will be reported to Victoria Police and appropriate authorities.

The Principal will be guided by Victoria Police, appropriate authorities and/or legal advice before making a decision under this Policy.

10.2 Procedures – Negotiated Transfer of Students

10.2.1 Prior to a negotiated transfer

6. The Principal establishes sufficient grounds to consider a negotiated transfer.
7. The Principal must inform the student's parent(s)/guardian(s) that a negotiated transfer is being considered.
8. The Principal must notify the EREA VSL CEO that a negotiated transfer is being considered and indicate if the student is from a vulnerable cohort.
9. The Principal can apply the School's Suspension of Students Policy or take other appropriate actions, prior to a negotiated transfer decision being made.

10.2.2 Behaviour Support Meeting (internal)

1. The Principal will convene an internal Behaviour Support Meeting with key school staff to consider:
 - a) the behaviour of the student and implications for others in the school community
 - b) interventions used to date or that may be applied to support the behaviour(s) of concern for the student
 - c) whether alternative disciplinary measures for the student are appropriate under the circumstances
 - d) support and resources that may be available for the student within and outside the School
 - e) appropriate education, training and/or employment pathways for the student.

10.2.3 Meeting with parent(s)/guardian(s) and the student

1. Following the Behaviour Support Meeting, the Principal will contact the student's parent(s)/guardian(s) to arrange a meeting and advise:
 - a) a meeting date, time and place
 - b) the meeting format, matters to be discussed and attendees. This meeting provides a reasonable opportunity for all parties to be heard and respond in accordance with the principles of procedural fairness
 - c) that if they are unable or unwilling to attend the meeting or they make a request with sufficient prior notice, an adult support person may attend for emotional support and reassurance. A support person attending must be approved by the Principal, cannot act for a fee or reward and cannot make a decision for the student
 - d) non-attendance at the meeting may result in it proceeding in their absence and the course of action may be determined without the benefit of hearing from them
 - e) the assistance of an interpreter may be arranged if required.

10.2.4 Negotiated transfer outcome

1. The Principal must consider all relevant information, including that provided by the student and/or their parent(s)/guardian(s) or a third party when making a decision regarding a negotiated transfer.

Decision to proceed with a negotiated transfer (student not returning to school)

2. When the Principal decides to proceed with a negotiated transfer, they must verbally notify the student's parent(s)/guardian(s) of the decision and confirm their agreement for the school to explore alternative school enrolment.
3. **If agreement cannot be reached** between the Principal and the student's parent(s)/guardian(s):
 - a) Two options are available:
 - i. the Principal can apply the School's Expulsion of Students Policy. Note, in this circumstance the School's Expulsion of Students Policy and Procedures are followed
 - ii. the parent(s)/guardian(s) may choose to end the student's enrolment and withdraw them from the school. Note, in this circumstance the school continues to follow the procedures below.
 - b) the Principal will notify the EREA VSL CEO as soon as practicable
 - c) within 24 hours of the verbal notification, the Principal will provide written confirmation of the negotiated transfer outcome to the student's parent(s)/guardian(s)
 - d) the student will not attend the school site
 - e) where appropriate, the student will be provided with support and school work until enrolment in another registered school is determined or the student's enrolment is withdrawn by the parent(s)/guardian(s)
 - f) update school records and the student's file to reflect the outcome.
4. **If agreement is reached** between the Principal and the student's parent(s)/guardian(s):
 - a) the negotiated transfer process proceeds as soon as practicable and the Principal and/or relevant staff will attempt to facilitate enrolment in another registered school
 - b) notify the EREA VSL CEO as soon as practicable
 - c) within 24 hours of the verbal notification, provide written confirmation of the negotiated transfer outcome to the student's parent(s)/guardian(s). Refer to *Letters and Notice of Negotiated Transfer (Appendix 8, page 1)*
 - d) the student will not attend the school site following a decision to proceed with a negotiated transfer
 - e) where appropriate, provide the student with support and school work until enrolment in another registered school is determined or the student's enrolment is withdrawn by the parent(s)/guardian(s).

Negotiated transfer confirmed

5. If a negotiated transfer to another registered school is **confirmed**, the Principal must:
 - a) verbally notify the student's parent(s)/guardian(s) as soon as practicable
 - b) within four (4) business days of the verbal notification, provide the student's parent(s)/guardian(s) with a *Notice of Negotiated Transfer (Appendix 8, page 2)* that includes the ground(s) and reason(s) for the negotiated transfer
 - c) within four (4) business days of the verbal notification, provide a copy of the *Notice of Negotiated Transfer (Appendix 8, page 2)* to the EREA VSL CEO
 - d) update school records and the student's file to reflect the outcome.

Negotiated transfer not confirmed

6. If the transfer of a student to another registered school is not able to be negotiated within a reasonable timeframe, the Principal must:
 - a) verbally notify the student's parent(s)/guardian(s) as soon as practicable, confirming that two options are available:
 - i. the Principal can apply the School's Expulsion of Students Policy. Note, in this circumstance the School's Expulsion of Students Policy and Procedures are followed
 - ii. the parent(s)/guardian(s) may choose to conclude the student's enrolment and withdraw them from the school. Note, in this circumstance the school continues to follow the procedures below.
 - b) notify the EREA VSL CEO as soon as practicable
 - c) within 24 hours of the verbal notification, provide written confirmation of the negotiated transfer outcome to the student's parent(s)/guardian(s). Refer to *Letters and Notice of Negotiated Transfer* (**Appendix 8, page 3**)
 - d) update school records and the student's file to reflect the outcome.

Decision not to proceed with a negotiated transfer (student returning to school)

7. When the Principal makes a decision not to proceed with the negotiated transfer of a student they must:
 - a) notify the EREA VSL CEO as soon as practicable
 - b) notify the student's parent(s)/guardian(s) as soon as practicable
 - c) schedule a meeting with the student and their parent(s)/guardian(s) to discuss relevant conditions associated with the student's enrolment and re-entry to the School
 - d) develop a *Return to School Plan* (**Appendix 5**) that includes academic and social supports to facilitate the student's re-engagement in the school community
 - e) provide written notification confirming the negotiated transfer will not proceed and the conditions for re-entry
 - f) update school records and the student's file to reflect the outcome.

10.2.5 Complaints process

1. A student and/or their parent(s)/guardian(s) can refer to the EREA VSL Complaints Management Policy and Procedures if they feel the negotiated transfer process was not followed or the process was not transparent.
2. A complaint must be submitted via the Contact Us page on the EREA VSL website, www.erea.vic.edu.au, within five (5) business days of the student's parent(s)/guardian(s) receiving the written confirmation of the negotiated transfer outcome.
3. Following EREA VSL's receipt, a review of the complaint will be conducted in accordance with EREA VSL Complaints Policy and Procedures.
4. EREA VSL will treat all complaints confidentially. However, in order to respond to a complaint, EREA VSL may need to share information with colleagues, relevant school staff or authorities to better understand the circumstances, gather information and where applicable, meet legal and regulatory obligations.
5. After completion of the complaint review, the EREA VSL CEO will:
 - a) verbally notify the student's parent(s)/guardian(s) of the complaint outcome

- b) provide written notification of the complaint outcome to the student's parent(s)/guardian(s).

10.2.6 Record keeping

1. The Principal is responsible for ensuring all negotiated transfers are recorded, filed and retained in accordance with Public Record Office Victoria Recordkeeping Standards, including in:
 - a) the student's individual file
 - b) the school's register of negotiated transfers, which is maintained by the Assistant Principal, Pastoral Care & Wellbeing, and restricted to authorised users.
2. EREA VSL may seek information from schools on the number, reasons for and frequency of student negotiated transfers.
3. EREA VSL and schools may be required or authorised to share records with other prescribed Information Sharing Entities (ISEs) under the Child Information Sharing Scheme (CISS) or Family Violence Information Sharing Scheme (FVISS), in line with the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM).
4. Confidentiality must be maintained at all times regarding the negotiated transfer of students.

10.3 Supporting Documents and Related Policies

10.3.1 Supporting documents

- Appendix 5 – Return to School Plan
- Appendix 6 – Flowchart for Negotiated Transfer
- Appendix 7 – Checklist for Negotiated Transfer
- Appendix 8 – Letters and Notice of Negotiated Transfer

10.3.2 Related policies and procedures

- Suspension of Students Policy and Procedures
- Expulsion of Students Policy and Procedures
- EREA VSL Complaints Management Policy and Procedures
- Complaints Handling Policy
- Student Code of Conduct
- Student Behaviour Management Policy
- Enrolment Policy
- Enrolment Terms

11. Expulsion of Students Policy and Procedures

11.1 Policy – Expulsion of Students

11.1.1 Context

Expulsion of a student is the most serious disciplinary sanction at St Patrick's College. Expulsion is considered as a last resort when a student's behaviour is unacceptable or in exceptional circumstances.

Expulsion occurs when, following the endorsement of the Chief Executive Officer (CEO), Edmund Rice Education Australia Victorian Schools Limited (EREA VSL), a student's enrolment at St Patrick's College is permanently withdrawn by the Principal.

Expulsion involves the termination of the Contract entered into by the student's parent(s)/guardian(s) at the time of enrolment at St Patrick's College.

When considering the expulsion of a student, the Principal will have regard to the need of the student to receive an education, the need to maintain the health, safety and wellbeing of other students and staff at the School, the need to maintain the effectiveness of the School's educational programs, and the need to uphold the School's ethos and expectations.

Where expulsion is being considered, the Principal may apply the School's Suspension Policy and Procedures pending a final decision. Support processes for a student will be implemented, as appropriate.

11.1.2 Enrolment agreement

Failure to abide by the School's Enrolment Agreement or school rules, policies and procedures may result in disciplinary action or the cancellation (termination) of a student's enrolment.

11.1.3 Authority for expulsion

Only the Principal, or a person acting in this position, has the authority to expel a student from St Patrick's College. The Principal may not delegate their power to expel a student.

The Principal must seek endorsement from the EREA VSL CEO prior to the expulsion of a student.

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

11.1.4 Grounds for expulsion

The Principal has authority to expel a student if the student:

- seriously undermines the ethos and expectations of the School
- 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 person
- consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student
- behaves in a manner contrary to the School's Student Behaviour Management Policy.

The grounds for expulsion listed above are indicative only and not exhaustive.

11.1.5 Application

Expulsion applies if the student is engaged in the behaviour referred to in section two while at school, travelling to or from school or is engaged in any away from school activity including travel to and from that activity.

In addition, expulsion may be appropriate where the student's behaviour is damaging to the school community as documented in the School's Enrolment Agreement.

Exceptional circumstances

In exceptional circumstances, the school retains the discretion to depart from this policy and procedures where adherence would:

- compromise the safety or wellbeing of a child or young person
- conflict with the Victorian Child Safe Standards or other legal or regulatory obligations
- undermine the safety, rights, or wellbeing of staff or the broader school community
- be impractical due to urgent or unforeseen events requiring immediate action.

Any decision to depart from this policy and procedures will be made with careful consideration of the best interests of the student, the school community, and in alignment with applicable legislation, regulatory requirements, and EREA VSL's commitment to child safety and workplace safety.

11.1.6 Criminal offences

Any student behaviour of an alleged criminal nature will be reported to Victoria Police and appropriate authorities.

The Principal will be guided by Victoria Police, appropriate authorities and/or legal advice before making a decision under this Policy.

11.2 Procedures – Expulsion of Students

11.2.1 Prior to expulsion

1. The Principal has established sufficient grounds to consider an expulsion.
2. The Principal must inform the student's parent(s)/guardian(s) that expulsion is being considered.
3. The Principal must inform the EREA VSL CEO that the expulsion of a student is being considered and note if the student is:
 - a) from a vulnerable cohort
 - b) from overseas (international) as defined by their Visa subclass. In this circumstance the Principal will inform the EREA VSL CEO who will seek further guidance from the Victorian Registration and Qualifications Authority (VRQA) and the Victorian Catholic Education Authority (VCEA). This will ensure that the necessary transition arrangements and/or implications for the student's visa can be managed as the decision to expel may impact on the student's visa conditions. It will also ensure that EREA VSL and the School complies with its obligations as a registered CRICOS provider under Commonwealth legislation
 - c) a boarder. In this circumstance, the School retains its duty of care to that student whilst they are in the School's care prior to collection by parents/guardians or their departure to travel home e.g. interstate or overseas flight.

11.2.2 Behaviour Support Meeting (internal)

1. The Principal will convene an internal Behaviour Support Meeting with key school staff to consider:

- a) the behaviour of the student and implications for others in the school community
- b) interventions used to date or that may be applied to support the behaviour(s) of concern for the student
- c) whether alternative disciplinary measures for the student are appropriate under the circumstances
- d) support and resources that may be available for the student within and outside the School
- e) registered school options or where appropriate, alternative education, training and/or employment pathways for the student.

11.2.3 Meeting with parent(s)/guardian(s) and the student

1. Following the Behaviour Support Meeting, the Principal will contact the student's parent(s)/guardian(s) to arrange a meeting and advise:
 - a) a meeting date, time and place
 - b) the meeting format, matters to be discussed and attendees. This meeting provides a reasonable opportunity for all parties to be heard and respond in accordance with the principles of procedural fairness. Where appropriate, the student should be present
 - c) that if they are unable or unwilling to attend the meeting or they make a request with sufficient prior notice, an adult support person may attend for emotional support and reassurance. A support person attending must be approved by the Principal, cannot act for a fee or reward and cannot make a decision for the student
 - d) non-attendance at the meeting may result in it proceeding in their absence and the course of action may be determined without the benefit of hearing from them
 - e) the assistance of an interpreter may be arranged if required
 - f) a copy of the *Expulsion of Students: Information for Parents/Guardians* (**Appendix 11**) will be provided prior to the meeting.

11.2.4 Expulsion outcome

1. The Principal must consider all relevant information, including that provided by the student and/or their parent(s)/guardian(s) or a third party when making a decision regarding an expulsion.

Decision to expel

2. When the Principal decides to proceed with an expulsion, they must seek endorsement from the EREA VSL CEO as soon as practicable.
3. Following endorsement from the EREA VSL CEO, the Principal will verbally notify the student's parent(s)/guardian(s) of the expulsion outcome as soon as practicable.
4. Within four (4) business days of the verbal notification, the Principal will provide a *Notice of Expulsion* (**Appendix 12**) to the student's parent(s)/guardian(s) that includes:
 - a) the ground(s) for the expulsion
 - b) the reason(s) for the expulsion
 - c) the date of the commencement of the expulsion
 - d) *Expulsion of Students: Information for Parent(s)/Guardian(s)* (**Appendix 11**).
5. Within four (4) days of notifying the parent(s)/guardian(s) of the student's expulsion, the Principal must provide a written *Expulsion Report* (**Appendix 13**) to the EREA VSL CEO.

Student of compulsory school age

6. When a **student of compulsory school age** (i.e. between six and 17 years of age) is expelled, the Principal, in collaboration with the EREA VSL CEO, and/or relevant school staff will:
 - a) seek to engage with the student and their parent(s)/guardian(s) to facilitate alternative education, training or employment pathways
 - b) where appropriate, support the student by providing and monitoring school work until an alternative pathway is determined.
7. If a **student of compulsory school age** has an exemption from enrolment or attendance at school in accordance section 2.1.5 of the *Education and Training Reform Act 2006* (Vic), 4.5 (a) and (b) of these procedures do not apply.

Student beyond compulsory school age

8. When a **student is beyond compulsory school age** is expelled, the Principal and/or relevant school staff, will provide the student and their parent(s)/guardian(s) with information about alternative education, training or employment pathways.

Decision not to expel

9. When the Principal decides **not** to proceed with an expulsion, the Principal must:
 - a) notify the student's parent(s)/guardian(s) as soon as practicable
 - b) schedule a meeting with the student and their parent(s)/guardian(s), to discuss relevant conditions associated with the student's enrolment and re-entry to the School
 - c) develop a *Return to School Plan* (**Appendix 5**) that includes academic and social supports to facilitate the student's re-engagement in the school community
 - d) provide written notification confirming the expulsion will not proceed and the conditions for re-entry
 - e) update school records and the student's file to reflect the outcome.

11.2.5 Complaints process

1. A student and/or their parent(s)/guardian(s) can refer to the EREA VSL Complaints Management Policy and Procedures if they feel the expulsion process was not followed or the process was not transparent.
2. A complaint about an expulsion must be submitted via the Contact Us page on the EREA VSL website, www.erea.vic.edu.au, within five (5) business days of the student's parent(s)/guardian(s) receiving the *Notice of Expulsion* (**Appendix 12**).
3. Following EREA VSL's receipt, a review of the complaint will be conducted in accordance with EREA VSL Complaints Policy and Procedures.
4. EREA VSL will treat all complaints confidentially. However, in order to respond to a complaint, EREA VSL may need to share information with colleagues, relevant school staff or authorities to better understand the circumstances, gather information and where applicable, meet legal and regulatory obligations.
5. After completion of the complaint review, the EREA VSL CEO will:
 - a) verbally notify the student's parent(s)/guardian(s) of the complaint outcome
 - b) provide written notification of the complaint outcome to the student's parent(s)/guardian(s).

11.2.6 Record keeping

1. The Principal is responsible for ensuring all expulsions are recorded, filed and retained in accordance with Public Record Office Victoria Recordkeeping Standards, including recorded:
 - a) the student's individual file
 - b) the school's register of expulsions, which is maintained by the Assistant Principal, Pastoral Care & Wellbeing, and restricted to authorised users.
2. EREA VSL may seek information from schools on the number, reasons for and frequency of student expulsions.
3. EREA VSL and schools may be required or authorised to share records with other prescribed Information Sharing Entities (ISEs) under the Child Information Sharing Scheme (CISS) or Family Violence Information Sharing Scheme (FVISS), in line with the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM).
4. Confidentiality must be maintained at all times regarding the expulsion of students.

11.3 Supporting Documents and Related Policies

11.3.1 Supporting documents

- Appendix 5 – Return to School Plan
- Appendix 9 – Flowchart for Expulsion
- Appendix 10 – Checklist for Expulsion
- Appendix 11 – Expulsion of Students: Information for Parent(s)/Guardian(s)
- Appendix 12 – Notice of Expulsion
- Appendix 13 – Expulsion Report

11.3.2 Related policies and procedures

- Suspension of Students Policy and Procedures
- Negotiated Transfer of Students Policy and Procedures
- EREA VSL Complaints Management Policy and Procedures
- Complaints Handling Policy
- Student Code of Conduct
- Student Behaviour Management Policy
- Enrolment Policy
- Enrolment Terms