

## Wyndham Community and Education Centre Inc Policy and Procedure

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| Procedure name           | <b>VCAL Suspension &amp; Expulsion<br/>Policy and Procedure</b>   |
| Responsible person       | CEO, VCAL & Youth Manager   |
| Staff involved           | VCAL staff  |
| Frequency of performance | 2021  |
| Related documents        | <p><b>Legislation:</b> Child Wellbeing and Safety Act 2005 (Vic), Education and Training Reform Act 2006 (Vic), Equal Opportunity Act 2010 (Vic), Working with Children Act 2005 (Vic), Children, Youth and Families Act 2005 (Vic), Occupational Health and Safety Act 2004 (Vic), Charter of Human Rights and Responsibilities Act 2006 (Vic), Disability Discrimination Act 1992 (Cth), Disability Act 2006 (Vic), Disability Regulations 2018, Privacy and Data Protection Act 2014 (Vic), Health Records Act 2001 (Vic), Privacy Act 1988 (Com), Family Law Act 1975 (Cth)</p> <p><b>Policies:</b> VCAL Discipline Policy &amp; Procedure, VCAL Attendance Policy &amp; Procedure, Student Well-being and Duty of Care in VCAL Policy &amp; Procedure (includes procedures for under-18s), Access and Equity Policy &amp; Procedure, Critical Incident and Emergency Management Policy &amp; Procedure, Cyber Bullying Policy &amp; Procedure, Harassment, Discrimination and Bullying Policy &amp; Procedure, Conflict Resolution Policy &amp; Procedure, VCAL Selection, Enrolment, Induction &amp; Delivery Policy and Procedure, Privacy for Students &amp; Clients Policy &amp; Procedure, Complaints and Appeals Policy &amp; Procedure, Excursions Policy &amp; Procedure, Smoke-free Environment Policy &amp; Procedure, OH&amp;S Policy &amp; Procedure, Data Breach Response Policy &amp; Procedure, Decision Making Responsibilities for VCAL &amp; Youth (under-18) Policy and Procedure,</p> <p><b>Other:</b> Mission, Vision, &amp; Values, &amp; Democratic Principles Statement, VCAL Student Handbook &amp; Student Package, VCAL Teacher Package, Guidelines for Managing Students in VCAL &amp; Youth Programs, VCAL &amp; Youth Student Contract, Student Code of Conduct, Ministerial Order 1125: Procedures for Suspension and Expulsion of students in Government Schools, Warning letters, Statutory Declaration for Informal Carers, Incident Report and Emergency Management Form and Action Plan.</p> |

### Policy Context

This document was created by the Executive of the Board of Governance of the Wyndham Community and Education Centre Inc on 30/01/20 and supersedes all previous versions.

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# Wyndham Community and Education Centre Inc

## Policy and Procedure

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Wyndham Community and Education Centre Inc. (Wyndham CEC) has a duty of care to ensure a safe, secure and supportive environment for all students and staff and aims to provide a safe, supportive and positive learning and working environment across the organisation, including for affiliated support services working with young people. To provide such an environment, all students have a responsibility to act in a manner that is respectful towards staff, other students and members of the broader Wyndham CEC community.

As well as duty of care obligations, Wyndham CEC has OHS obligations and obligations under the Charter of Human Rights. Wyndham CEC's policies and procedures assist staff to ensure these obligations are met and help to manage any associated risks and deal with behaviour issues in a fair and transparent manner.

### *Definitions*

**Parent** - Any person who has parental responsibility for long term issues as defined in the Family law Act 1975 (Cth) or has been granted guardianship for a child as per the Children, Youth and Families Act 2005 (Vic) or other state government welfare legislation.

**Guardian/ Carer** - Someone other than a parent including:

- Informal care arrangement that may or may not be documented by an informal relative care statutory declaration
- Formal care arrangement that is provided under the Family law Act 1975 (Cth) and includes a parenting plan or a court order
- Formal care arrangement that is provided under the Children, Youth and Families Act 2005 (Vic) or other state government welfare legislation

**Vulnerable student** – students in out-of-home care, students with a disability, Koorie and refugee-background students under-18

### **Policy**

#### *Discipline Framework*

Wyndham CEC's VCAL Discipline Policy & Procedure provides a framework for dealing with student discipline issues. This policy and procedure is discussed with students and their families at the Pre-training assessment (PTA), enrolment and through the VCAL Student Handbook and student package.

Wyndham CEC's *Student Code of Conduct*, outlines expectations regarding the required level of conduct and behaviour that guides students undertaking education and training programs at Wyndham CEC.

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Students in VCAL & Youth programs must sign a *VCAL & Youth Student Contract* which outlines rights and responsibilities, attendance requirements and consequences for unacceptable behaviour. By signing this contract, students and their parent/guardian agree to commit to the values, democratic principles, codes, policies and procedures of Wyndham CEC. This contract is signed at enrolment and/or annually as required.

Wyndham CEC maintains a strong focus on promoting a positive community environment and positive behaviours. Wyndham CEC's *Guidelines for Managing Students in VCAL & Youth* clearly outline expectations of all students in VCAL & Youth programs. Clear expectations set standards for students, parents, guardians and staff to promote acceptable behaviour and deal with unacceptable behaviour.

Wyndham CEC staff will intervene early to address factors that influence any behaviours that are of concern and will work with students and their families to resolve any issues in a respectful manner. Intervening early to address factors that influence behaviour that is concerning or unacceptable, helps to ensure students remain engaged. It also means Wyndham CEC staff can ensure appropriate protections are put in place for students in vulnerable cohorts.

Wyndham CEC's three-warning letter process is a good reminder and checkpoint for addressing unacceptable behaviour or behaviour of concern.

On occasion, a student's behaviour may compromise the health, safety and wellbeing of other students and staff within the Wyndham CEC community. In some instances, behaviour may be of such a magnitude that suspension or expulsion from the program is considered. In such instances, Wyndham CEC will be guided by its policies and procedures when making fair decisions about suspension or expulsion.

### **Procedures**

#### ***Suspensions***

A student may be excluded from Wyndham CEC in situations where other measures have been implemented without success or where an immediate suspension is the only appropriate course of action in response to a student's behaviour.

Decisions will assess the best interests of the student – particularly any student under the age of 18 - as well as the broader Wyndham CEC community.

The CEO, or her delegate has responsibility for student suspension.

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Suspension will only be used when other measures have not produced a satisfactory outcome or where the safety of the student, or another student, is impacted.

This includes:

- behaviour that threatens another or is dangerous to the student or another student or staff member including acts of violence or damage to property.
- Students involved in illegal activities onsite at Wyndham CEC or offsite during a planned activity.

The parent / guardian of a student who is suspended will be informed of the reasons for suspension.

If the student is under-18, appropriate supervision of the student will be discussed with the parent / guardian prior to suspension.

If the student is enrolled in Community VCAL (CVCAL), the home school will be informed prior to any decisions or actions being taken.

### ***Expulsions/ Exits***

Wyndham CEC's CEO has the authority to exit a student from VCAL & Youth programs. This applies to students enrolled directly with Wyndham CEC.

Community VCAL students, will require discussion and guidance from the enrolling-home school before a student can be exited.

Exiting a student from a VCAL program should be a last resort. Other disciplinary measures, interventions, supports and options need to have been exhausted.

In determining whether to exit a student, the CEO in collaboration with VCAL & Youth Manager will determine that exiting the student is appropriate to:

- The behaviour for which the student is being exited and history of such behaviour
- The educational needs of the student
- Any disability or additional learning need of the student
- The age of the student
- The residential and social circumstances of the student
- Previous interventions and supports

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When expulsion is being considered, a thorough investigation to ensure procedural fairness and transparent decision-making should take place. Exiting a student should not be a pre-determined outcome.

Wyndham CEC staff will utilise the expertise of its support services - both internal and external - to develop interventions and supports that may not have been considered or trialled previously.

All supports and interventions implemented will be thoroughly documented.

Consideration to duty of care, human rights and anti-discrimination obligations will be considered.

Critical actions prior to exiting a student include:

- responding to an incident immediately and communicating such response/ investigation to the student and the family
- establishing the details of the student's behaviour
- considering impact on all affected parties
- communicating with students and parent/carer
- considering human rights, anti-discrimination obligations and duty of care
- putting an immediate suspension in place, if appropriate
- contacting home school, if relevant
- considering actions required for vulnerable students
- considering any new interventions or supports that can be trialled
- considering if the behaviour meets grounds for expulsion/ exiting of the student

### ***Grounds for expulsion/ exiting a student***

Students may be exited if, whilst attending Wyndham CEC, travelling to and from Wyndham CEC VCAL program activities or engaging in Wyndham CEC VCAL-related activities offsite (including travelling to or from the activity) the student:

- behaves in a manner that poses a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person
- causes significant damage to or destruction of property
- commits or attempts to commit or is knowingly involved in theft of property
- possesses, uses or sells or 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

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- consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student

And, if the student's behaviour is of such a magnitude that, having regard to the need of the student to receive an education compared to the need to maintain the health, safety and wellbeing of other students and staff at Wyndham CEC and the need to maintain the effectiveness of Wyndham CEC's VCAL & youth programs, exiting the student is the best considered mechanism.

### ***Steps prior to expulsion***

When a student is exited:

- The parent/guardian should be informed as soon as possible by the VCAL & Youth Manager through a discussion and/ or a third warning letter (usually indicating exit). For students with separated parents, all parents/ carers are entitled to be involved in the case of expulsion. Note: Adult students or mature minors may request that their parent/ carer is not contacted.
- If a student needs to be suspended immediately pending possible expulsion, this should be communicated clearly, and meaningful work should be provided if the period is likely to extend beyond three days. If the period extends beyond five days, a teacher should be designated as a point of contact for the student.
- A student care team meeting should be convened to advise the student and the parent/ carer that exiting the student is being considered
- The parent/guardian should attend the meeting time and both student and parent/ carer should be provided assistance to transition from Wyndham CEC.
- Transition should involve another educational course, program, back to school or to employment.
- If the student is attached to a Youth Worker or Case Manager, the VCAL & Youth Manager will make contact/ invite them to the care team meeting to assist.

### ***Following expulsion***

- An Exit Form is completed by the VCAL & Youth Manager and the student results are provided to Wyndham CEC's Compliance and Reporting Team for entry onto Wyndham CEC's student management system aXcelerate, and, onto VASS. The student may still be eligible for a Statement of Attainment for Further Education or VET units of competency and/or a Statement of Results for VCAL units.
- A written report must be kept that includes the grounds for expulsion and the date of exit. It should also include transition arrangements.

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