

Wyndham Community and Education Centre Inc Policy and Procedure

Procedure name	Senior Secondary Programs Suspension & Expulsion Policy and Procedure
Responsible person	CEO, VCAL & Youth Manager
Staff involved	Senior Secondary Programs staff
Frequency of performance	2024

Policy Context

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.

Wyndham CEC strives 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 OH&S obligations, as well as 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

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- 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, First Nations and/or refugee-background students under-18.

Policy

Discipline Framework

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

Parents/guardians of students under 18 or students 18 years and over, in Senior Secondary Programs must sign a Senior Secondary Programs *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 then annually or as required.

Wyndham CEC maintains a strong focus on promoting a positive community environment and positive behaviours to ensure a culturally safe environment at Wyndham CEC. Wyndham CEC's *Guidelines for Managing Students in Senior Secondary Programs* clearly outline expectations of all students in Senior Secondary 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 including, working with families in any decisions made.

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

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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. For students in a Department of Education (DE) VCE Vocational Major Contract or Victorian Pathways Certificate (VPC) Contract, the Home School will be contacted first and any expulsion or suspension negotiated directly. See Wyndham CEC's *Senior Secondary Programs Discipline Policy & Procedure*.

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.

Definition:

The process of excluding a student from the standard instruction or educational opportunities being provided to other students at Wyndham CEC for part of a day, a full day or multiple days.

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

In order for suspension to be an option, the following conditions must be in place. The student's behaviour must have occurred:

- whilst attending Wyndham CEC
- or travelling to or from Wyndham CEC
- or while engaged in any Wyndham CEC activity away from Wyndham CEC
- or travelling to or from any Wyndham CEC activity, and,
- the student's behaviour must meet one or more of the following conditions:
 - behaves in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person, including acts of violence
 - causes significant damage to or destruction of property
 - commits or attempts to commit or is knowingly involved in the theft of property
 - possesses, uses or sells or deliberately assists another person to possess, use or sell illicit substances or weapons

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- 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 based on age, breastfeeding, gender, identity, impairment, industrial activity, lawful sexual activity, marital status, parent or carer status or status as a carer, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation, personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes
- consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student.

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 a Department of Education (DE) VCE Vocational Major Contract or Victorian Pathways Certificate (VPC) Contract, the home school will be informed prior to any decisions or actions being taken.

Note: For incidents between students that occur outside of Wyndham CEC's hours or in locations other than those listed above, a suspension cannot be used as a response. The impact of cyberbullying (and other behaviours) outside of Wyndham CEC hours or off Wyndham CEC's premises on students is acknowledged, however, if the behaviour does not occur at Wyndham CEC or a Wyndham CEC activity or when travelling to or from Wyndham CEC or Wyndham CEC activity, suspension is not an available recourse. If incidents outside of Wyndham CEC hours are connected to behaviour that does meet the grounds and location requirements for suspension, this external behaviour may be considered when determining the response to an in-Wyndham CEC incident.

Expulsions/ Exits

Wyndham CEC's CEO has the authority to exit a student from Senior Secondary Programs. This applies to students enrolled directly with Wyndham CEC.

Students in a Department of Education (DE) VCE Vocational Major Contract or Victorian Pathways Certificate (VPC) Contract will require discussion and guidance from the enrolling-home school before a student can be exited.

Exiting a student from the Senior Secondary Programs should be a last resort. Other disciplinary measures, interventions, supports and options need to have been exhausted.

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In determining whether to expel a student, the CEO in collaboration with Senior Secondary Education 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
- Level of vulnerability of the student.

When expulsion is being considered, a thorough investigation to ensure procedural fairness and transparent decision-making should take place. Expelling 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 Senior Secondary Programs activities or engaging in Wyndham CEC

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Senior Secondary Programs-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 based on age, race, religious belief or activity, sex, sexual orientation, gender, identity, disability or impairment, industrial activity, marital status, parent or carer status or status as a carer, physical features, political belief or activity, pregnancy, breastfeeding or personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes
- 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 Senior Secondary Programs exiting the student is the best considered mechanism.

For students in a Department of Education (DE) VCE Vocational Major Contract or Victorian Pathways Certificate (VPC) Contract, the Home School will be contacted first and any expulsion negotiated directly.

For students under -17 Wyndham CEC will meet the requirements within "The Education State- Training & Skills Higher Education Enrolling Students under 17 Evidence of Exemption" document. The Senior Secondary Education Manager will write to the relevant Department of Education Regional Office, Youth Pathways and Transitions Team, and the student's previous school (where relevant) to advise if a student under 17 stops attending, disengages from or is exited from their Senior Secondary Program.

Steps prior to expulsion

When a student is exited:

- The parent/guardian should be informed as soon as possible by the Senior Secondary Education Manager through a discussion and/ or a third warning letter (usually indicating exit). For students with separated parents, all parents/ carers

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- 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 an alternative pathway to education, training, back to school or to employment.
 - If the student is attached to a Youth Worker or Case Manager, Senior Secondary Education Manager will make contact/ invite them to the care team meeting to assist.
 - For students in a Department of Education (DE) VCE Vocational Major Contract or Victorian Pathways Certificate (VPC) Contract, the Home School will be contacted. Wyndham CEC will work with the Home School to support the student with the student's transition from Wyndham CEC.

Following expulsion

- An Exit Form is completed by the Senior Secondary Education 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 the Victorian Administrative Software System (VASS). The Unit of Competency results will be reflected on the student's training plan. 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 VCE VM, VCAL or VPC units.
- A written report must be kept that includes the grounds for expulsion and the date of exit. It should also include transition arrangements.
- For students under 17 years, Wyndham CEC will write to the relevant DET Regional Office and the student's previous school (where relevant) to inform them of the expulsion.
- For students in a Department of Education (DE) VCE Vocational Major Contract or Victorian Pathways Certificate (VPC) Contract, students Wyndham CEC will complete the requirements as outlined above and given to the Home School.

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Related Documents

Legislation: Child Wellbeing and Safety Act 2005 (Vic), Education and Training Reform Act 2006 (Vic), Equal Opportunity Act 2010 (Vic), Worker Screening Act 2020 (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), Privacy and Data Protection Act 2014 (Vic), Health Records Act 2001 (Vic), Privacy Act 1988 (Com), Family Law Act 1975 (Cth); Ministerial Order 1125: Procedures for Suspension and Expulsion of students in Government Schools, Ministerial Order 705 Exemption from School Attendance and Enrolment.

Policies: Senior Secondary Programs Discipline Policy & Procedure, Senior Secondary Programs Attendance Policy & Procedure, Student Well-being and Duty of Care in Senior Secondary Programs Policy & Procedure (includes procedures for under-18s), Access and Equity Policy & Procedure, Critical Incident and Emergency Management Policy & Procedure, Cyber Bullying Policy & Procedure, Harassment, Discrimination and Bullying Policy & Procedure, Conflict Resolution Policy & Procedure, Senior Secondary Programs Student Selection, Enrolment, Induction & Delivery Policy and Procedure, Privacy for Students & Clients Policy & Procedure, Complaints and Appeals Policy & Procedure, Excursions Policy & Procedure, Smoke-free Environment Policy & Procedure, OH&S Policy & Procedure, Data Breach Response Policy & Procedure, Decision Making Responsibilities for Senior Secondary Programs (under-18) Policy and Procedure, Occupational Health and Safety Policy & Procedure, Child Safety and Wellbeing Policy & Procedure, Critical Incident and Emergency Management Policy & Procedure, Risk Identification Policy & Procedure, Staff Recruitment, Induction and Exiting Employment Policy & Procedure.

Other: Mission, Vision, & Values, & Democratic Principles Statement, Senior Secondary Programs Student and Parent Handbook & Student Package, Senior Secondary Programs Teacher Package, Guidelines for Managing Students in Senior Secondary Programs-Senior Secondary Programs Student Contract, Student Code of Conduct, Warning letters, Statutory Declaration for Informal Carers, Incident Report and Emergency Management Form and Action Plan. The Education State- Training & Skills Higher Education Enrolling Students under 17 Evidence of Exemption document, Department of Education (DE) VCE Vocational Major Contract or Victorian Pathways Certificate (VPC) Contract, Senior Secondary Programs Training Plan, Exit Form, Victorian Administrative Software System (VASS), Wyndham CEC's Student Management System (aXcelerate), Pre-Training Assessment, Enrolment documents, HESG Enrolling Students Under-17 Evidence Exemption, Care Team Meetings, Support Services working with Young People, Student Wellbeing Officer.

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