MANAGEMENT OF STUDENT BEHAVIOUR OF A HARMFUL OR SERIOUS NATURE

INTRODUCTION

These guidelines, which present Diocesan Education Council expectations and recommended procedures regarding student behaviour management, are to be read within the context of the Policy of the Bishop’s Diocesan Education Council, *Pastoral Care of Students in Catholic Schools*. As stated in the policy, student behaviour management policies and procedures in Catholic schools ought seek to protect personal and school community safety, heal destructive behaviours, restore relationships, encourage reconciliation, enhance wellbeing, foster responsibility, enable personal growth, and promote the common good.

The guidelines herein do not attempt to cover the broad range of behavioural issues, protocols and procedures that might constitute a school’s discipline policy or code of conduct. Rather, the emphasis is on student behaviours of a more harmful or serious nature that require careful and sustained management, often on an individual student/family basis.

Assistance and guidance in the implementation of processes described herein may be obtained from the diocesan Catholic Education Office.

GUIDING PRINCIPLES

**Student behaviour education and pastoral care – a whole-of-school responsibility.**

A Catholic school’s provision of positive behaviour education and behaviour management skilling of students ought be pastorally driven, comprehensive, and whole-of-school in nature. An appropriate model is the Health Promoting Schools framework. The focus and intended outcome is personal resilience, the mode is prevention and primary intervention, and the application is to the school community as a whole, and to each member of the school community individually. It is within such a positive and broad framework that a school’s student behaviour management processes for individual cases ought be formulated.

**Pastoral care for the whole school community – a principal’s responsibility.**

The principal has responsibility for ensuring that pastoral care is extended to all members of the school community. Because student wrongful behaviour can have an adverse effect on the wellbeing of students, staff members and others, the proper exercise of pastoral care requires the principal to ensure a just and reasonable balancing of the rights, needs, obligations and wellbeing of all concerned. In addition, the principal will sometimes need to authorise action beyond the school’s formal student behaviour management procedures, based on knowledge of the particular issues and local realities, and guided by principles that include justice, respect, compassion, personal and communal safety, health, and duty of care.
Student connectedness and engagement.
An essential element of human wellbeing is the experience of belonging, of being connected to others in a community, being accepted and valued, and being positively involved and engaged within a community. For the wellbeing of students, their school must provide them with such an experience. It follows that, when a school is addressing student behaviour that is judged inappropriate or wrongful, behaviour management processes which ensure that the student remains engaged and connected with school activities and the school community are to be preferred to those that disengage the student. It is recommended that processes that disengage not be applied unless other options are clearly not appropriate. Disengagement and disconnection are potentially harmful to student wellbeing.

Restorative practices.
The philosophy of Restorative Practices informs a positive and formative approach to student behaviour management, and is recommended for Catholic schools. A commitment to Restorative Practices has as its aim the promotion of resilience in the one harmed and the one causing harm. Restorative measures help students learn from their mistakes, grow in self discipline, take responsibility for their actions, recognise the impact of their actions on others, and reconcile and resolve conflict with others. Further information may be obtained from the diocesan Catholic Education Office.

RECOMMENDED PROCEDURES

Behaviour Management Plan
A recommended process for addressing individual students’ behaviour management needs and assisting in their growth in responsible behaviours is the Behaviour Management Plan. This is an agreement reached formally between the school, a student, and the student’s parent(s)/guardian(s), (supported by authoritative advice, if and when required, in relation to the student’s medical or mental health needs) regarding future behaviour of the student and its management.

The following matters need to be considered and written into such a plan:

- the positive, formative purpose of the plan
- duration of the plan
- expectations regarding the student’s future behaviour
- means by which the student will be supported in achieving this behaviour
- means by which the student’s behaviour will be monitored and managed
- circumstances which could require the plan to be amended or reviewed (e.g. medical or mental health advice)
- arrangements to apply following a satisfactory conclusion of the plan
- arrangements to apply if the student’s behaviour is not in accord with the plan’s stated expectations

It is recommended that the Behaviour Management Plan be recorded in writing, signed by the parties involved, and dated.
In-school Withdrawal
Withdrawal from class and/or other school activities, if judged necessary as a behaviour management process, is best done in-school rather than out-of-school, as this maintains a student’s connectedness and engagement with the school. It is recommended that school processes for the withdrawal of the student from some aspect(s) of the school program are structured positively to assist in the student’s return to acceptable behaviours. An example is the provision of time, in an appropriate and supervised setting, for the student to reflect upon their behaviours and attitudes, the impact of these on themselves and others, reasons for preferring acceptable behaviours, and ways to find encouragement and assistance to achieve this goal. An allocated task in keeping with such a purpose is recommended.

Out-of-school Suspension
If out-of-school suspension is judged appropriate by the school, it is recommended that it be for the shortest time necessary. At least one day prior to the day on which the suspension is to commence, the school ought notify the student’s parent(s)/guardian(s), if possible by verbal communication initially and by confirmation in writing. The communication ought to include the reason for the suspension, the purpose of the suspension, and the date(s) on which the suspension will occur.

It is also recommended that the parent(s)/guardian(s) be offered the opportunity to participate in a meeting to consider these and other related matters, including:
- the legal and pastoral responsibilities of the parent(s)/guardian(s) during the time of suspension
- the school’s responsibility for providing learning material during the time of suspension
- the process of settling back into the school environment, and how this is to be facilitated
- arrangements for monitoring the student’s progress following his/her return to school.

If an initial verbal contact with the parent(s)/guardian(s) is not possible, it may be necessary to ask the student to take the written notice home to them as their first notification. This decision rests with the school authority, taking into account the age of the student, legal requirements, duty of care, and other relevant circumstances.

Student Wrongful Behaviour of a Serious Nature
The Diocesan Education Council understands student wrongful behaviour of a serious nature to be activity or behaviour of a student which:
- seriously undermines the ethos of the Catholic school; and/or
- consistently and deliberately fails to comply with any lawful order of a principal or teacher; and/or
- is offensive or dangerous to the physical or emotional health of any student or staff member; and/or
- consistently and deliberately interferes with the educational opportunities of other students.

Some wrongful behaviours of a serious nature are by definition criminal offences. These may include criminal damage of property, possession of a weapon, theft, assault, assault with weapons, use, possession or distribution of drugs, sexual assault. This list is indicative only and not all-inclusive. When a principal determines that a serious offence of a criminal nature has occurred, the welfare needs of the offending student(s) is paramount. The incident should be reported to the police at the earliest opportunity.

When it is judged by the school that a student has engaged in wrongful behaviour of a serious nature within the school community, it is recommended that a Behaviour Management Support Group be set up to:
• consider the behaviour of the student and the implications for the student and the school community
• consider the personal and social needs of the student, and how they may best be responded to
• determine what behaviour management action within the school’s stated processes is most appropriate
• identify strategies to assist the student, following successful behaviour management, to re-establish his/her place satisfactorily in the school community
• ensure that decisions of the Behaviour Management Support Group are implemented
• access any relevant agencies to provide support.

In arriving at decisions, the Behaviour Management Support Group aims for consensus. Where this is not achievable, the principal (or principal’s nominee) makes the decision, in accordance with school policies and directives. The decision of the Behaviour Management Support Group is recorded in writing and filed in the school records. Confidentiality should be honoured at all times.

A suggested membership is:
• the principal or his/her nominee as convenor and chairperson
• the student, who may be accompanied by a support person (not acting for fee or reward) nominated by the student
• the parent(s) or guardian(s) of the student, who may be accompanied by a support person (not acting for fee or reward) nominated by the parent(s)/guardian(s)
• the class teacher (primary) or the teacher nominated as having responsibility for the student (e.g. year level co-ordinator, secondary)
• a specialist person(s) (as required) who may be of assistance, for example, the student counselor, Parish Priest, etc.

In some instances, where the behaviour of a student is deemed to threaten immediate or ongoing harm, distress or danger to others, it may be necessary to withdraw or suspend the student temporarily from the student community, pending a meeting of the Behaviour Management Support Group. Responsibility for such a decision rests with the principal or the principal’s nominee.

**Negotiated Transfer**

Negotiated Transfer involves a change of school by a student either between Catholic schools, or to a school within another sector, or to an alternative educational setting. In the case of students who are of post-compulsory school age, a wider range of options might be considered, for example, a negotiated transfer, either temporary or permanent, to the workforce, or to a higher education or training institute.

Negotiated Transfer is an option in circumstances in which it is judged that the student’s present school is not the right environment for the student, and that another setting would more suitably meet the student’s current and future needs and be the most appropriate means of providing for the student’s wellbeing. It may also be that, due to serious behavioural issues, a student’s Negotiated Transfer is an appropriate means of providing for the wellbeing of the school community.

When Negotiated Transfer is being offered, the principal (or principal’s nominee) ought provide comprehensive advice to the student and the student’s parents about the benefits this option would provide, and seek their agreement for a Negotiated Transfer.
Responsibility for negotiating a transfer is with the principal (or principal’s nominee) of the school from which the student is to transfer. The following matters need to be considered:

- the environment which would best provide for the student’s emotional, social and spiritual needs
- the school which would provide an educational program suitable to the student’s needs, abilities and aspirations
- the process by which the transfer is to be negotiated
- the support required by the student and parent(s)/guardian(s) in making the transition.

These and other relevant matters ought be included in the formal record of Negotiated Transfer. If a Negotiated Transfer is desired but cannot be arranged, the diocesan Director of Catholic Education (and, in the case of a Congregation-owned school, the relevant designated authority) is to be informed in writing, and assistance requested. If a Negotiated Transfer is still unable to be achieved, the student is to remain enrolled at their current school, unless the circumstances are such as to require expulsion.

**Expulsion**

It is an expectation of the Diocesan Education Council that expulsion of a student from a Catholic school in the Diocese of Sale will not occur except in the most serious of circumstances, and when the following conditions all apply:

- the student has engaged in wrongful behaviour of a serious nature (see definition above), and
- the school’s other processes for addressing such behaviours have been applied and not been successful, and
- the welfare and safety of others in the school community, or the need to maintain order and protect the rights of others, make it necessary that the student no longer be present in that school community.

Only the principal has the authority to expel a student. The Diocesan Education Council expects that, prior to confirming an expulsion, the principal will:

- explain clearly to the student and the student’s parent(s)/guardian(s) the reason(s) for the intended expulsion, and provide them with an opportunity to speak on behalf of the student
- in parish or regional schools, provide to the parish priest / canonical administrator as appropriate, formal written notification of the intended expulsion and the reasons for it and seek endorsement. In addition, provide to the diocesan Director of Catholic Education formal written notification of the intended expulsion, and the reasons for it, and request that the Director endorse the principal’s decision
- in Congregation-owned schools, follow the required endorsement processes of that body.

Should the decision to expel the student be confirmed, the principal must ensure that the expulsion is formally recorded in the school’s files, and provide to the parent(s)/guardian(s) of the expelled student a formal Notice of Expulsion which will include a copy of the policy document pertaining to expulsion and a letter to parents. When possible, this notice is to be issued before or on the day the expulsion is to commence, and if that is not possible then as soon after that as possible. This notice needs to include:

- The reason(s) for the expulsion
- The commencement date of the expulsion
- Details of the Review and/or Appeal processes available
- Advice to parents of their rights

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1 Unless, due to language barriers, effective written communication with parents this is not possible.
Natural justice must apply, and consequently there ought be available in every school a formally authorised process by which parent(s)/guardian(s) of an expelled student, and in some circumstances the expelled student himself/herself, may have the expulsion decision reviewed and/or appealed.

**Process for Review of an Expulsion Decision**

The parent(s)/guardian(s) of a student expelled from a Catholic school may, within five school days (in exceptional circumstances, ten school days) of receipt of the notice of expulsion, formally request of the principal that the decision be reviewed. If the student is living independently from their parent(s)/guardian(s), the student also has this right. The request must be in writing unless that is not possible, and must state the grounds on which the Review is being sought, whether the student and parent(s)/guardian(s) wish to be heard in person, and if they wish to be accompanied at the Review by another person – such a person to be named, and not acting for fee or reward.

Valid grounds for requesting a Review are that:
- proper procedures were not followed by the school in matters related to the expulsion decision and/or that
- the full details of the case were not considered at the time (additional details to be provided) and/or that
- the decision was too severe and/or that
- the decision was unjust.
- evidence provided in writing demonstrates that additional and relevant information has come to light further to the original decision to expel.

An Expulsion Review Panel, convened by the principal, will hold the review, within five school days if possible. Membership of the panel will be the principal as non-voting chair and three persons nominated by the principal, who were not involved in the original decision and who have school leadership responsibility. The panel will consider the details of the case and, after giving the student and parent(s)/guardian(s) the opportunity to be heard on the grounds of review, determine by majority vote a recommendation to the principal as to whether the expulsion should remain or be repealed.

Having considered the recommendation, the principal will make a decision, and within three school days will formally notify this decision to the person(s) who requested the review, to the Diocesan Director of Catholic Education, Canonical Administrator and, if a Congregation-owned school, to the relevant Congregational authority.

**Process for Appeal against an Expulsion Review Decision**

After the Review Process has been concluded, if the expulsion decision is still in place the parent(s)/guardian(s) may appeal against that decision. The parent(s)/guardian(s) may, within five school days (in exceptional circumstances, ten school days) of receipt of the Review decision, lodge a formal Appeal. When a student is living independently from their parent(s)/guardian(s), the student also has the right of appeal.

Valid grounds for requesting an Appeal are that
- proper procedures were not followed in the Review process and/or that
- the decision to continue the expulsion was unjust.
- evidence provided in writing demonstrates that additional and relevant information has come to light further to the original decision to expel.
The Appeal must be in writing to the Diocesan Director of Catholic Education or, in the case of Congregation-owned school, to the relevant designated Congregational authority. Upon receipt of an Appeal notice, this authority will appoint an officer to investigate the Appeal. When the investigation has been completed, the Officer will deliver their findings to the Diocesan Director of Catholic Education or Congregational authority, who will formally notify the principal and the person(s) who made the Appeal. The result of the appeal is to be communicated to the Canonical Administrator. If the grounds on which the Appeal was made are found to be true, the expulsion must be repealed. Otherwise, the expulsion will remain.

Following receipt of these findings, the principal will formally notify all parties to the Appeal as to whether the expulsion decision remains or is repealed, and the reason(s) for the decision. This decision will be final, and is not subject to further Review or Appeal within the Catholic Education system.

REFERENCES

i The Health Promoting Schools Framework, 1996, was developed by the National Health and Medical Research Council. The Framework has subsequently become the foundational document upon which the MindMatters National Mental Health in Schools Project has been based.

ii A sample template for a Behaviour Management Plan is available to school personnel via the CEVN-ISS.

iii A sample letter regarding suspension is available to school personnel via the CEVN-ISS. Principals and approved school personnel have access to further information and guidance in relation to these matters via the Department of Education Schools Reference Guide, section 4.6.15 and Legal Issues in Schools, CECV Revised edition 2003, pp36-40.

iv A sample template for Behaviour Management Support Group Report is available to school personnel via the CEVN-ISS.

v A sample record of a Record of Negotiated Transfer (for the school file) is available to school personnel via the CEVN-ISS.

vi A sample letter of Notification of Expulsion to the Director of Catholic Education (prior to confirming expulsion) is available to school personnel via the CEVN-ISS.

vii A sample Record of Expulsion (for the school file) is available to school personnel via the CEVN-ISS.

viii A sample letter to parent(s)/guardian(s) regarding Notification of Expulsion is available to school personnel via the CEVN-ISS.

ix A sample record of a Record of Negotiated Transfer (for the school file) is available to school personnel via the CEVN-ISS.

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