



Nazareth College Responding to Serious Behaviour Offences

Aims

Nazareth College's response to a serious behaviour offence represents a critical test of its pastoral identity. A serious offence by a student challenges the school to be responsive to the rights, well-being and special needs of the offender of an offence, and at the same time demonstrate a commitment to the rights and wellbeing of all of its members. In such a context, Nazareth is subject to a myriad of pressures and conflicts.

Procedural Fairness

Nazareth College will act fairly and be impartial and will not make judgments or assumptions in the decision-making process regarding serious behaviour offences. The rights of all individuals will be protected and each person will be given an opportunity to tell his or her side of the story. Each incident will be dealt with on its merits and facts, and natural justice principles will always be considered.

Corporal Punishment is not permitted at Nazareth College

Definition of a Serious Behaviour Offence

Nazareth College, congruent with The Catholic Education Commission of Victoria (CECV), notes that a serious behaviour offence is understood to be activities or behaviours of a student which:

- Seriously undermine the ethos of Nazareth College;
- Are offensive or dangerous to the physical or emotional health of any student or staff member;
- Consistently and deliberately fail to comply with the reasonable directions of a teacher, staff member, Assistant Principal, Deputy Principal or Principal;
- Consistently and deliberately interfere with the educational opportunities and endeavours 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 and not inclusive. When a Principal determines that a serious offence of a criminal nature has occurred, the incident will be reported to the Police at the earliest opportunity.

Dealing with Serious Behaviour Offences

Informed by our Catholic Vision and Mission, Nazareth College has a process which is supportive of the student, parents and school. When a student commits a serious behaviour offence, the consequences of such action necessitate decisions be made. The school provides a forum for collaborative decision-making, in light of civil, diocesan, school and pastoral accountability.



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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 Support Team. This decision will be made by the Principal (or his nominee).

Role and Responsibility of the Behaviour Support Team

In accordance with CEM Policy 2.26 'Pastoral Care of Students in Catholic Schools', in order to deal with serious offences, appropriate people will be called together by the Principal to determine the appropriate course of action. This group of people will be called the 'Behaviour Support Team'. This group provides a forum for collaborative decision-making, in the light of civil, diocesan, school and, most importantly, pastoral accountability.

When it is judged by the school that a student has engaged in wrongful behaviour of a serious nature within the College Community, the Behaviour Support Team will be actioned. It is the responsibility of the Behaviour Support Team to address the following objectives:

- Ensure the safety and wellbeing of the whole Community;
- Consider all issues relevant to the behaviour of the student and the implications for the student and the College Community;
- Consider the personal, educational 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 their place satisfactorily in the College Community, parish and local community;
- Consider the support and resources which may be available, from both within the school and outside, to assist in meeting these objectives;
- Ensure that accurate records of decisions of the Behaviour Management support group are kept and implemented;
- Access any relevant agencies to provide support;
- Confidentiality will be maintained.

Composition of the Behaviour Support Team

This group will be chaired by the Principal (or nominee) and may include the following:

- The Principal or their nominee as the Convenor and Chairperson;
- Assistant Principal Faith and Wellbeing;
- The student, who may be accompanied by a support person (not acting for fee or reward) nominated by the student;
- The parent/guardian(s) of the student, who may be accompanied by a support person (not acting for fee or reward);
- The teacher nominated as having responsibility for the student (eg Head of House);
- A specialist person (as required) who may be of assistance, for example, the student Counsellor, the Canonical Administrator, the Careers Counsellor;
- Staff from Catholic Education Melbourne may also be drawn upon for their expertise.



Possible Outcomes

In considering the student and the case at hand, the Behaviour Support Team has a number of options available, including time out, behaviour agreements, suspension and negotiated transfer.

The Behaviour Support Team will always aim for consensus. However, when this is not possible, the Principal (or nominee) makes the decision, in accordance with school policies and directives. The decision of the Behaviour Support Team is recorded in writing and filed in the school records. The available options are as follows:

Time out room is the practice of using a safe place, quiet place, time out or chill out room (referred to as 'safe place' in this section) for students.

Having a student go to their safe place is used to support students who require a break from a stressful or demanding situation, often when their behaviour is escalating. Exit to a safe place is a planned intervention to be used as part of an overall approach to supporting a student exhibiting complex behaviour. The use of a safe place can be either teacher-directed or self-directed and takes place in a setting that is not locked.

Nazareth College ensures the use of a safe place is in the context of a therapeutic educational strategy and not as a form of seclusion.

Behavioural Agreement

A Behavioural Agreement can be defined as an agreement that is reached amongst the school, the student and parent/guardian regarding the student's continued enrolment in the school.

If the Behaviour Support Team considers a Behavioural Agreement to be the most appropriate action, the following matters need to be discussed:

- Expectations regarding the students' behaviour;
- Class and timetable arrangements including any specific scheduling of sessions;
- Duration of Behavioural Agreement;
- Means by which the student will be monitored during this arrangement;
- Consequences should the student fail to comply with the conditions outlined in the Behavioural Agreement

Internal Suspension

The temporary withdrawal of a student's rights to attend classes and/or other school activities, an Internal Suspension maintains a student's connectedness to and engagement with the school.



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Nazareth College's 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 his or her behaviours and attitudes, the impact of these on themselves and others, reasons for preferring acceptable behaviours, and ways to find to achieve this goal. Nazareth students complete a Reflection booklet as part of this process.

External Suspension

Is the temporary withdrawal of a student's rights in attending the College. The CECV affirms that External Suspension is a serious disciplinary measure and should only be used when other disciplinary measures have not produced a satisfactory outcome. A student shall not be suspended for a period of time greater than nine school days in any one school year.

If External Suspension is judged appropriate by the Behaviour Support Team, it is recommended that it be for the shortest time necessary. Additionally, at least one day prior to the day on which the suspension is to commence, the school should notify the student's parent/guardian(s), by verbal communication initially and by confirmation in writing. The communication should include the reason for the suspension, the purpose of the suspension, and the date(s) on which the suspension will occur.

If initial verbal contact with the parent/guardian(s) is not possible, the student may need to take the written notice home to them as their first notification. This decision is considered on an individual basis and the age of the student, legal requirements, duty of care, and other relevant circumstances will be considered when determining this option.

The following factors will also need to be considered by the Behaviour Support Team when external suspension is considered to be the most appropriate action.

- The legal and pastoral responsibilities of the parent(s) during the time of the proposed suspension;
- It is recommended that the parent/guardian(s) be offered the opportunity to participate in a meeting to consider these and other related matters;
- The school's responsibility for providing learning material during the time of suspension;
- On the return of the student to school, arrangements for monitoring their subsequent progress;
- The process of settling back into the school environment, and how this is to be facilitated;
- The school's responsibility for reviewing and evaluating its own policies and procedures in the light of the experience.

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,



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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 nominee) should 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.

The responsibility for negotiating a transfer is with the Principal (or nominee) of the school from which the student is transferring. If the Behaviour Support Team considers Negotiated Transfer to be the most appropriate action, 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 interests, ability and aspirations;
- The process by which the transfer will be negotiated;
- The support required by the student and parent/guardian in making the transition;
- The role of the school in maintaining support to the student once the transition has taken place;
- The means by which the process will be evaluated and the decision made reviewed.

These matters are included in the formal record of Negotiated Transfer which can be accessed on the [CEVN website](#). The Principal always takes into account the procedures for negotiated transfer outlined in the '[Guidelines for Student Behaviour Management](#)' in [CEM Policy 2.26, Pastoral Care of Students in Catholic Schools](#).

If a Negotiated Transfer is desired but cannot be arranged, the Executive Director of Catholic Education Melbourne 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

Is the total withdrawal of a student's right of attendance at the school. The Archbishop of Melbourne and Bishops of Ballarat, Sale and Sandhurst consider expulsion of students in Catholic schools to be a severe form of sanction and is to be avoided wherever possible.

It is an expectation of Catholic Education Melbourne that expulsion of a student from a Catholic school in the Archdiocese of Melbourne will not occur except under the most serious and



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extreme of circumstances, when a student has repeatedly engaged in serious wrongful behaviour and all other appropriate behaviour management processes have proved unsuccessful and the serious behaviour persists, it may be judged that the only responsible action left is expulsion.

Only the Principal has the authority to expel a student, having sought the prior approval of the Executive Director of Catholic Education Melbourne.

Catholic Education Melbourne expects that, prior to confirming an expulsion, the Principal will:

- Clearly explain to the student and the student's parent/guardian(s) the reason(s) for the intended expulsion, and provide them with an opportunity to speak;
- The Canonical Administrator will be provided with formal written notification of the intended expulsion and the reasons for it and seek his endorsement;
- The Executive Director of Catholic Education Melbourne will be provided with formal written notification of the intended expulsion, and the reasons for it, and request that the Executive Director endorse the Principal's decision.

Should the decision to expel the student be confirmed, the Principal will ensure that the expulsion is formally recorded in the school's files, and provide to the parent/guardian(s) of the expelled student a formal Notice of Expulsion as per CEM guidelines. This notice will be issued before or on the day the expulsion is to commence. If this is not possible, then as soon as is practically possible. This notice will include:

- The reason(s) for the expulsion;
- The commencement date of the expulsion;
- Details of the Review and/or Appeal processes available.

General Principles and Practices for Serious Behaviours Offences at Nazareth College

Before consideration and/or enactment of suspension, negotiated transfer or expulsion, the College will uphold the following principles and practices:

- Thorough investigation will always precede any action;
- The Principal will confer with key leaders as the case demands;
- Parents and guardians will be actively involved in the process, unless the circumstances require urgent intervention;
- The College will endeavour to adopt a graduated process of other disciplinary measures;
- Counselling of a student will be offered;
- The student has engaged in wrongful behaviour of a serious nature and the school's other processes for addressing such behaviours have been applied and not been successful;
- The wellbeing and safety of others in the College 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 College Community;
- The Principal will be responsible for procedural fairness and appropriate support of the student and family members;



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- The Principal shall confer with the College's governing authority and the Catholic Education Melbourne (CEM) as the nature of the case demands;
- Nazareth College will always use the templates on the [CEVN website](#) to assist with recording suspension, negotiated transfer, and expulsions;
- The Principal always take account of recommended procedures for suspension, negotiated transfer or expulsion as outlined in the '[Guidelines for Student Behaviour Management](#)' in [CEM Policy 2.26, Pastoral Care of Students in Catholic Schools](#);
- It is unlawful for any form of corporal punishment to be used in Victorian schools. The use of restraint or seclusion does not form part of a Student Safety Plan and should not be identified as an appropriate intervention. Restraint and seclusion are permitted only in limited emergency situations. These include -
 - The student's behaviour poses an imminent threat of physical harm or danger
 - The action is reasonable in all the circumstances
 - There is no less restrictive means of responding in the circumstances.
(Refer Restrictive Intervention Policy)

As natural justice applies, there is a formal authorised process by which parent/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/guardians of a student expelled from Nazareth College 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/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/guardian(s) wish to be heard in person, and if they wish to be accompanied at the Review by another person. This person will need to be named and cannot be acting for fee or reward.

Valid grounds for requesting a Review are:

- Proper procedures were not followed by the school in matters related to the expulsion decision;
- The full details of the case were not considered at the time (additional details to be provided);
- The decision was too severe;
- The decision was unjust.

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.



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The panel will consider the details of the case and, after giving the student and parent/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 decide, and within three school days will formally notify this decision to the person(s) who requested the review, to the Executive Director of Catholic Education and to the Canonical Administrators.

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/guardian(s) may appeal against that decision. The parent/guardian 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/guardian(s), the student also has the right of appeal.

Valid grounds for requesting an Appeal are:

- Proper procedures were not followed in the Review process; and/or that
- The decision to continue the expulsion was unjust.

The Appeal must be in writing to the Executive Director of Catholic Education. 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 his / her findings to the Executive Director of Catholic Education who will formally notify the Principal and the person(s) who made the Appeal. 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.

Communication

Pastoral Care policies are available on the College website or at College Reception so that staff, students, and parents are aware of these policies and procedures. The Policy is also available on the Learning Management System – SIMON.

Review

This document shall be reviewed within three years of the date of issue.

Principal: Sam Cosentino



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Signature:

S. Corvino

Date:

June 2020