

Suspension, Expulsion and Exclusion Procedures

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1. PURPOSE

These procedures set out the processes regarding student suspension, expulsion or exclusion for Catholic Education Northern Territory (CENT) Schools and are to be read within the context of the CENT Pastoral Care and Wellbeing Policy.

2. BACKGROUND

Catholic Education Northern Territory is committed to providing safe and effective learning and work environments for all members. The pastoral care and wellbeing of all students and staff is at the heart of Catholic Education Northern Territory (CENT), enabling learning/work environments which promote the spiritual, physical, emotional, social, cultural and intellectual wellbeing and development of all. These procedures aim to support young people to:

1. respect the welfare and needs of themselves and others
2. be aware that their actions influence the creation and maintenance of the Catholic environment of which they are part
3. enhance the development of positive self-images
4. gain a sense of belonging within the school and wider community
5. develop an understanding of the consequences of their behaviour, and
6. develop an awareness of processes, which assist in resolving problems as they arise.

Although wellbeing and positive behaviour frameworks support positive behaviour for learning, occasionally students may demonstrate behaviour that is likely to constitute a risk of physical or psychological harm to other persons at the school. Where a student presents such a risk, section 145 of The Education Legislation Amendment Act 2023 (NT) provides Principals with the authority, in consultation with Principal Consultants, to consider suspension or, in consultation with the Director of CENT, expulsion or exclusion of the student from school, by issuing a written notice.

Suspending a student from attending school must only be considered as a last resort and where all other methods for addressing problematic behaviour have been exhausted. Suspension should only be considered if the school has an active, school-wide positive behaviour policy

Schools should, wherever possible, explore alternatives to suspension.

3. SCOPE

For the purpose of these procedures, suspension refers to **out of school suspension**.

Before suspending a child from school, a Principal must be satisfied that, as a consequence of the student's behaviour, their presence at school is likely to constitute a risk of physical or psychological harm to other persons at the school.

Suspensions must be applied fairly and consistently and reflect the context, nature and seriousness of a child's conduct. A child should not be suspended for minor breaches of discipline or infringement of school rules.

4. DEFINITIONS

Out of school suspension is the temporary removal, external to school grounds, of a student from all of the classes and access to the playground/yard that a student would normally attend at a school for a set period of time. A Principal may suspend a student for a period of time where the student's presence is likely to constitute a risk of physical or psychological harm to other persons at that school.

Exclusion: A Principal may temporarily exclude a student who has been charged with an offense against a law, in or outside the Territory, punishable by a term of imprisonment of more than two years, until the charge is dealt with by the court or otherwise withdrawn. A student may only be excluded if it is the Principal's opinion that the student's presence may cause an unacceptable risk to other persons at the school.

Expulsion: The permanent removal of a student from one particular school. It involves a termination of the contract entered into at the time of enrolment by the parent(s)/carer(s).

Parent/carers means any person or persons having parental responsibility for a child.

Principal: For the purposes of this policy 'Principal' means the Principal and, by delegation, Deputy Principal, Head of Campus and/or Assistant Principal. No other staff member has the authority to make suspension, expulsion or exclusion decisions.

Support person for the child/young person: In any formal disciplinary meeting which may lead to any form of suspension or expulsion, the student responding to the allegation has the right to have a support person present at the meeting. The offer of a support person should be made prior to the meeting commencing. The support person is to be approved by the school and can be a teacher,

year advisor, member of the school executive or the student's parents/carer/family member. The support person should be a person who is readily available. The support person does not participate in the meeting but is present to observe the progress of the meeting and ensure that the student responding to the allegation/s is able to participate fully in the meeting. **(see Toolkit)**

5. ROLES AND RESPONSIBILITIES

Principals have authority, consistent with the provisions of these procedures and associated documents, to suspend a student from their own school. In addition, Principals have authority to recommend an expulsion of a student from their school, and where applicable, exclusion from the system of Catholic schools in the Northern Territory Diocese.

Director is responsible for:

- liaise with The Bishop in all matters pertaining to student management and welfare
- considering all information relevant to the incident / student behaviour, and where considered necessary in the interests and maintaining the physical and psychological safety of other persons present at a school, endorse a Principal's recommendation to expel a student from a Catholic Education School
- providing the Registrar of non-Government schools with relevant information as requested
- where relevant, following an appeals process, revoke the decision to expel and provide advice to the student and parent(s) about this decision and the requirement for the student to attend school.

Principal Consultants are responsible for:

- Liaising with the Director regarding Exclusion or Expulsion decisions
- providing advice to Principals, as appropriate, on suspensions
- working with, and advising Principal's whether a recommendation to expel is warranted
- ensuring procedural fairness is afforded to the student and parent
- supporting all CENT schools to adopt a whole school approach to student wellbeing, engagement and behaviour management

Principals are responsible for:

- the development and implementation of school policies and processes to support student wellbeing, engagement and behaviour management
- ensuring alternative options have been considered, prior to considering suspension and/or expulsion

- communicating with parents/carers in matters where suspension, expulsion or exclusion are being considered
- adhering to the requirements of these procedures when considering suspension, expulsion or exclusion
- liaising with Principal Consultant in regard to suspensions of more than three days, multiple student suspensions, repeat suspensions, expulsion and exclusion
- informing Principal Consultant and relevant CENT staff where alleged conduct results in physical injury or could result in police involvement, broader disruption to the community or media interest
- ensuring appropriate learning tasks/work is provided to the student during any suspension period
- facilitating a re-entry meeting with a parent/carer and student, to assess the readiness and required support for the student's return to school, following a period of suspension
- accurately and efficiently recording suspension and expulsion data.

Teachers are responsible for:

- providing meaningful tasks for the student to complete during a suspension
- being a point of contact if the student has any questions about the work set.

Parents/Carers have a responsibility to:

- read, sign and abide by the Conditions of Enrolment
- treat all members of the school community with dignity and respect
- assist Principals and teachers to resolve student behavioural matters
- be responsible for the supervision, care and safety of students while on suspension, ensuring that their child does not attend school during the suspension period.

Students have a responsibility to:

- treat all members of the school community with dignity and respect
- conduct themselves in accordance with school values, policies, standards and expectations
- work collaboratively with the school to resolve incidents of challenging behaviour when they occur
- participate fully in school processes, including re-entry meetings where applicable.

6. LEGAL CONSIDERATIONS

When a child is enrolled, the school is entering into a contractual relationship with the

enrolling parents/carers of the student.

The right to suspend, expel or exclude is expressed in the enrolment contract, so that the enrolling parents/carers clearly understand that the school has the right to terminate the contract.

While contracts cannot normally be made with minors (i.e. a person under 18 years) there are exceptions, one being if it is for the benefit of a minor. Hence, if an independent student under the age of 18 years enters into an enrolment contract then:

- the enrolment contract between the school and the student is binding; and
- the contract can be terminated by the school if the student is in breach of the contract e.g. by demonstrating behaviours that meet the requirements for expulsion.

If the original contract is made with the parents/carers and the student subsequently moves out of the parental home, the contract continues to be binding on the enrolling parents/carers and the school's obligation to the parents/carers endures. In these situations, and as they evolve, contact with the Principal Consultant is important.

7. PROCEDURAL FAIRNESS (See Toolkit for further information)

The principles of procedural fairness are fundamental to the implementation of these procedures. Procedural fairness is generally recognised as having two essential elements. These are:

- the right to be heard, and
- the right of a person to a fair and impartial decision.

Hence, in a school setting:

- the student, against whom allegations have been made, has a right to know the matters alleged against them
- the student must be given an opportunity to respond to the allegations
- the student has a right to hear what evidence there is to substantiate the allegations against him or her (if the school intends to rely on that evidence) and to respond to that evidence.

8. ANTI-DISCRIMINATION

All educators and education providers in Australia have obligations under the Disability Discrimination

Act 1992 (revised 1/8/23) and the Disability Standards for Education 2005 (revised 2020) to support students with disability. These obligations include:

- making reasonable adjustments which allow students with disability to participate and learn on the same basis as students without disability
- preventing harassment and victimisation of students with disability
- consult regularly with students with disability and their parents and caregivers to develop reasonable adjustments and address concerns as they arise.

9. EXTERNAL SUSPENSION PROCESSES

For further information to guide these decisions, see **Toolkit Suspension Considerations p.14**

9.1 Categories and features of behaviour for suspension decisions

Prior to suspending a student, the Principal must consider if both the location and the nature of the incident warrant a suspension. Table 1.1 provides a guide for making this assessment.

Category	Guiding features
Location	<p>(behaviour must have one of these features) Did the behaviour occur:</p> <ul style="list-style-type: none"> • at school? • travelling to or from school? • during a school activity at another location? • travelling to or from a school activity based at another location? • off-school grounds but continue to significantly impact other people at the school?
Nature	<p>(behaviour must have one of these features) Does the behaviour:</p> <ul style="list-style-type: none"> • pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person at the school? or • cause significant damage to or destruction of property? or • involve the participation in, attempt or actual theft of any property? or • include the possession, use or sale, or deliberate assistance to another person to possess, use or sell illicit substances or weapons? or • fail to comply with any clear and reasonable instruction of a staff member so

	<p>as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person including themselves? or</p> <ul style="list-style-type: none"> • demonstrate a consistent behaviour that vilifies, defames, degrades or humiliates another person based on: age, gender, identity, impairment, employment or vocation, marital status, physical features, political beliefs, race, religion, sexual orientation? or • demonstrate consistent behaviour of an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student?
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Principals are required to use the **Suspension Checklist (see Toolkit)** This document will assist in each step of the process.

9.2 Decision

If the behaviour of a student meets the grounds for external suspension and the Principal decides to suspend, they must determine:

- the day on which the suspension will commence (including whether it will be an immediate suspension)
- the period of suspension
- actions that need to be agreed to before return to school
- continuity of learning provisions
- student wellbeing.

9.3 Prior to the Suspension Taking Effect

Prior to the suspension taking effect, or on the day of taking immediate action, the Principal must complete all of the following:

- Complete the Student Behaviour Incident Report
- Discuss with the Principal Consultant if longer than five (5) days
- Notify the student (verbally) if possible and the parent/carer (via telephone or in person) of the reason/s for the suspension and the school days on which the suspension shall occur
- Provide the student and their parent/carer with the **Notice of Suspension (see Toolkit)** If consideration is being given to proceeding to expulsion from the school, or exclusion, refer to **Notice of Suspension Pending Possible Expulsion (Toolkit)**
- Advise the student and their parent /carer that the school will provide meaningful work during the

suspension period

- Record the suspension on the student's file
- Submit the all paperwork to the Principal Consultant

A student will not be sent out of the school before the end of the school day without notification being made to their parents/carers and, if necessary, agreement reached about arrangements for the collection of the child from school. The Principal must ensure that adequate supervision is provided for that student at school until those arrangements are made.

Reasonable steps must be taken when parents have difficulty reading or understanding English.

9.4 Re-entry to School

Prior to a student returning to the school following a period of suspension, the Principal should:

- arrange a suspension re-entry meeting with the student, assigned guardian and Principal
- advise the student that re-entry may include conditions to manage and monitor appropriate behaviour when the student returns to school
- consult with the parents/carers (where appropriate) to develop a program to support the student's reintegration – this could include provisions about attendance, learning and clear strategies for the student to engage in positive behaviours whilst at school
- involve relevant school staff or other support services (such as school counsellors) in the development and implementation of the student's reintegration program
- provide opportunity for the student to bring a nominated support person, should parents or school staff not be appropriate/available.

9.5 Risk Considerations

Where a student is returning from suspension following an incident that involved a risk to the safety or wellbeing of staff, students or other persons, the Principal must undertake a **Risk Management Plan (see Toolkit)** in order to assess whether the return of the student will pose a risk to staff, students or other persons and ensure documented mitigation of any identified risks. This should be completed before the final day of the suspension. The student should not be readmitted to the school until the issues identified in the risk assessment have been addressed.

10. EXPULSION AND EXCLUSION PROCESSES

For information to guide these decisions, see *Expulsion and Exclusion Considerations*.

Principals are required to use the **Expulsion Checklist (see Toolkit)**. This document will assist in ensuring they acquit each step of the process, regardless of whether they proceed to an expulsion.

10.1 Considerations for students with disability

When considering expulsion of a student with disability the Principal must consult with the Leader Inclusion/Leader PCWB, to ensure the student with disability is not discriminated against, harassed or victimised, in accordance with the [Disability Discrimination Act 1992 \(Cwlth\)](#) and the [Disability Standards for Education](#).

10.2 Grounds for Expulsion

A Principal may recommend to the Director, via the Principal Consultant to expel a student from the school if, whilst attending school, travelling to and from school or engaging in any school-related activity away from school (including when travelling to or from that activity) if the student:

- 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 thus impacting the physical and psychological safety of a person
- commits or attempts to commit or is knowingly involved in the theft of property
- possesses, uses, 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
- engages in behaviour that vilifies, defames, degrades or humiliates another person based on: age, breastfeeding, gender, identity, disability, industrial activity, lawful sexual activity, marital status, parent/carer status or status as a carer, physical features, political belief or activity, pregnancy, race, religious belief or activity, sexual orientation, personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes
- AND the student's behaviour is of such 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 the school, **expulsion is the only available mechanism.**

10.3 Temporary suspension

Where a Principal considers that expulsion may be warranted, then the student must be suspended for a period not exceeding 20 school days in order to:

- allow the Principal time to consider whether a recommendation to expel should be made to the Director
- ensure that the Director has sufficient time to make a decision when such a recommendation has been made.

10.4 Communicating with the Parent/Carer

The Principal must issue the parent/guardian with a **Notice of Suspension Pending Possible Expulsion**.

When communicating with the student and their parent/carers, the Principal should:

- provide details of the alleged incident or behaviour
- let them know an investigation is underway, and that this will be conducted fairly with consideration given to the student's best interests and the safety and wellbeing of the school community
- seek any relevant information that could inform the investigation
- establish if any other immediate wellbeing supports are needed that can be provided by the school or CENT.

All parents and carers are entitled to be notified if there is a behavioural incident of such magnitude that expulsion may be considered unless:

- i. there are court orders in place which state otherwise; or
- ii. there are reasonable grounds to believe that doing so would place the student at risk of significant harm.

In circumstances where there is more than one parent/carers who would like to participate in the expulsion process, it is important to involve all of them. If the Principal needs advice and assistance on how to proceed with an expulsion in these circumstances, it is strongly recommended that they contact their Principal Consultant.

10.5 Behaviour Review Process

A Behaviour Review Process must be completed when an expulsion is being considered.

Expulsion should not be a predetermined outcome of this meeting. A Behaviour Review Meeting may provide an opportunity for the student and their parent/carers to meet with the Principal and collaboratively discuss the student's behaviour. The meeting must be conducted in such a way as

to encourage participation from all parties. Alternatively, this process may be completed in writing.

For information to guide this meeting, see ***Expulsion and Exclusion Considerations***.

10.7 Decision

When deciding on the expulsion of a student, the Principal must properly, fairly and without bias consider all relevant matters. The Principal must determine whether the expulsion is appropriate in light of:

- the behaviour for which the student is being expelled
- the educational needs of the student
- any disability of the student
- the age of the student
- the magnitude and impact of the student's actions
- the residential and social circumstances of the student.

The Principal must also ensure that all information or documentation related to the student or provided by their parent/carer or developed by the school has been taken into account when making the decision.

While the Principal is making a decision, the school should continue to provide the student with work.

10.8 Decision Not to Expel

If the Principal decides not to expel the student, the student should be supported to continue at the school. The Principal should convene a meeting in collaboration with the student and their parents/carers. A risk assessment should be completed that focuses on additional or existing interventions and supports, to engage the student positively at school, and ensures the safety of the school community. Referrals to school based, local allied health and community supports should be made as appropriate. Other reasonable adjustments to the student's program should also be considered. Building a working relationship with the student and parents/carers should be a priority.

10.8 Decision to Expel

A decision should be made within 14 days of the Notice of Suspension Pending Possible Expulsion being issued.

Approval process

Upon making a decision to recommend expulsion, the Principal must immediately forward the **School Recommendation to Exclude/Expel form** to Principal Consultant. The recommendation must include:

- a copy of the **Notice of Suspension Pending Possible Expulsion**
- Record of Behaviour Review Meeting/Process
- all relevant supporting documentation relied upon by the Principal in reaching their decision, and any evidence to be relied upon by the Director in making a decision
- where the student has a medical or other relevant condition which may give rise to the student having special needs, full particulars of any such condition(s) and the associated special needs
- copies of all correspondence and other details of communications with the parents and/or student; and
- all submissions, if any, made by, or on behalf of, the student.

If the Director accepts the recommendation, a **Notice of Intention to Expel** should be delivered to parents/guardians. The notice should provide them with 48hrs to 5 days to respond with any further justifications they may have to reverse the decision.

Unless further applicable information has been provided within the time frame, Principals must provide the student and their parents/carers with a **Notice of Decision to Expel** and inform them of their right to appeal.

If they wish to appeal, provide a link to the **Expulsion Appeal Form**

The following document must be provided to the Principal Consultant:

- Notice of Decision to Expel.

10. REVIEW OF THE DECISION TO EXPEL OR EXCLUDE

A decision to expel or exclude a student can be appealed by the student or their parent/carer.

An expulsion or exclusion can be appealed on the following grounds:

- a student has a history of behavioural issues, and there is insufficient evidence of prior interventions designed to address the behaviour and support the student
- the grounds on which the student was expelled are considered unfair
- the expulsion process was not followed by the school

- other extenuating circumstances.

11.1 Appeal Lodgement

If a student or their parent/carer chooses to appeal the Principal's expulsion/exclusion decision, they must complete the Expulsion/Exclusion Appeal Form and provide it to the Principal within 5 business days of receiving the Notice of Expulsion or Exclusion.

Appeals lodged after 5 business days will only be considered in extenuating circumstances. The Principal will forward late appeals to the Director who will make an assessment on a case by case basis.

The Principal must provide the Principal Consultant within one (1) business day of receiving the appeal

with a copy of:

- Expulsion Appeal Form lodged by the student/parent/ carer.

The student will remain expelled or excluded until the review has been conducted. While the review of a decision to expel or exclude is being considered, alternative placements for the student may continue to be explored.

11.2 Review process

The review itself will be conducted by a Principal Consultant who has not previously been involved in the matter (i.e. a Principal Consultant who is independent from the school) in consultation with an appeals panel, consisting of the impartial Principal Consultant, the Bishop or a Bishops Office representative, the CENT Integrity Officer and CENT Leader Inclusion/PCWB. The panel should forward their findings and recommendations to the Director within 14 days.

The review will consider the documentation provided and must provide an opportunity to hear from the student and affected parties including:

- the student and their parent/carer to explain their reasons for appealing the expulsion decision
 - this can be done in person or via phone, engaging interpreters where required
- the Principal
- other parties able to provide advice on relevant safety and wellbeing issues.

11.3 Appeal Decision

The impartial Principal Consultant, representing the review panel, will contact the Principal, student and their parent/carer within two (2) business days of a decision being reached to communicate the decision made. They must also provide the Principal, student and their parent/carer with written notification of the decision.

References

- Suspension, Expulsion and Exclusion Toolkit
- National Catholic Safeguarding Standards (NCSS)
- CENT Pastoral Care and Wellbeing Policy
- School Students with Disability (NCCD) Guidelines
- Students with Disability Policy
- Northern Territory of Australia Education Legislation Amendment Act 2023
- Work Health and Safety NUL Act 2011
- Northern Territory of Australia Anti-Discrimination Act 1992
- Australian Government Disability Standards for Education 2005
- Australian Government Disability Discrimination Act 1992



