

Central West Leadership Academy Policies & Procedures

3.7 Discipline

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Abbreviations

NESA	NSW Education Standards Authority
RANGS Online	Registration and Accreditation of Non-Government Schools online portal (NESA)
CWLA / Academy	Central West Leadership Academy
Chair	Chair of the Board of Directors for CWLA
Secretary	Secretary of the Board of Directors for CWLA
SIS	CWLA's Student Information System
Document Repository	CWLA's shared, secure cloud-based repository for documents (Google Drive)

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Overview

All students and staff have the right to be treated fairly and with dignity in an environment free from disruption, intimidation, harassment and discrimination. To achieve this, the school will maintain high standards of student behaviour.

1. There will be cases of unacceptable behaviour where it will be in the best interests of the school community and/or the student involved, for the student to be removed from the school for a period of time or completely. Suspension and expulsion are the options available to the Principal or Principal's delegate in these situations. In such cases of unacceptable behaviour, parents/carers should not be asked to keep students at home without the formal imposition of a suspension unless this is for the remainder of a school day as part of an approved program for personalised learning and support.
2. Collaboration between school staff, students and parents/carers is an important feature of discipline in our school. All should be fully aware of the suspension and expulsion procedures and their place in the context of that school's student wellbeing and discipline policies.
3. In implementing these procedures, the Principal or Principal's delegate must ensure that no student is discriminated against on any of the following grounds:
 - a. Race, including colour, nationality, descent, and ethnic, ethno-religious or national origin.
 - b. Sex.
 - c. Marital status.
 - d. Disability, including HIV/AIDS.
 - e. Sexuality.
 - f. Gender.
 - g. Age.
4. The Principal or Principal's delegate must also ensure that the implementation of these procedures takes into account factors such as the age, individual needs, any disability and developmental level of students.
5. When dealing with a student with a disability, consideration must be given to the requirements of the Commonwealth Disability Discrimination Act 1992, the Disability Standards for Education 2005 and the NSW Anti-Discrimination Act 1977. These require, among other things, that reasonable adjustments are provided to support students with a disability to access and participate in education on the same basis as other students.

6. The Principal or Principal's delegate must ensure that records are made and retained of any action taken in relation to the implementation of these procedures.

Policy statement

1. Suspension is not intended as a punishment. It is only one strategy for managing inappropriate behaviour within the school's student wellbeing and discipline policies. It is most effective when it highlights the parents'/carers' responsibility for taking an active role, in partnership with the school, to modify the inappropriate behaviour of their child. The school will work with parents/carers with a view to assisting a suspended student to rejoin the school community as quickly as possible.
2. Suspension also allows time for school personnel to plan appropriate support for the student to assist with successful re-entry. This may include access to appropriate support staff such as an Aboriginal community liaison officer, Community Police liaison officer, or learning and support teacher. In some cases suspension from school allows the school time to put measures in place to ensure the safety of students and staff. For the majority of students, suspension allows time for the student to reflect on their behaviour, to acknowledge and accept responsibility for the behaviours which led to the suspension, and to accept responsibility for changing their behaviour to meet the school's expectations in the future.
3. The Principal or Principal's delegate has the authority, consistent with the provisions of these procedures and associated documents, to suspend or expel a student from the school. The Principal or Principal's delegate will exercise this authority having regard to their responsibilities to the whole school community and to the principles of procedural fairness. The principles of procedural fairness are fundamental to the implementation of these procedures.
4. Procedural fairness is a way of proceeding that is fair to all persons who might suffer a detriment as a result of a decision. Procedural fairness is typically considered to be a process that allows each affected person a reasonable and equitable opportunity to be heard, is conducted impartially and has reasoning for the decision. Procedural fairness also refers to the right for all parties to be informed as appropriate.
5. These procedures apply to the behaviour of students at school, on the way to and from school and while away from the school site, using technology involving other students or members of the community and on school endorsed activities. They can also apply outside of school hours and off school premises where there is a clear and close connection between the school and the conduct of students. These include the use by a student of social networking sites, mobile phones and/or other technology to threaten, bully or harass another student or a staff member.
6. Where a serious disciplinary matter arises and the Principal or Principal's delegate is considering suspension or expulsion of a student, the action will be taken irrespective

of any action which may be taken by another agency, including the NSW Police Force. Where the NSW Police Force is involved in a case where the Principal or Principal's delegate is considering suspension or expulsion, the Principal or Principal's delegate will liaise with the School Safety and Response Unit hotline on 1300 363 778 to ensure any potential police investigation is not compromised.

<https://detwww.det.nsw.edu.au/safetyandsecurity/school-safety-and-response-unit>

7. The Principal will consider whether the incident gives rise to a requirement to make a mandatory report to the Child Protection Helpline (Phone: 132 111) or to the NSW Police.
8. The Central West Leadership Academy **expressly prohibits the use of any form of corporal punishment** or sanction that involves (or potentially involves) the use of sarcasm, demeaning language, wrongful use of power, or physical force. The CWLA staff do not explicitly or implicitly sanction the administering of corporal punishment by non-school persons, including parents/carers, to enforce discipline at the school.
9. The CWLA will never exclude a student from attending another school.

Procedural Fairness

1. This policy will be enacted with an understanding of the right to procedural fairness including:
 - a. The right of the person against whom an allegation has been made to:
 - i. know the allegations related to a specific matter and any other information which will be taken into account in considering the matter
 - ii. know the process by which the matter will be considered
 - iii. respond to the allegations
 - iv. know how to seek a review of the decision made in response to the allegations.
 - b. The right to impartiality in the investigation and decision-making including:
 - i. An objective and principled decision maker who applies rules consistently and transparently and
 - ii. A right to a decision that has reasoning and is not based on personal opinion or bias.
2. Where possible, any investigation of matters and the disciplinary decision will be undertaken by different parties.
3. If the Principal or member of the School Executive is conducting both the investigative and decision-making stages, they must maintain impartiality and use reasonable and objective judgement.

Discipline framework

Level	Examples of inappropriate behaviour	Potential Outcomes
1	<ul style="list-style-type: none"> • Low level misbehaviour in class/co-curricular • Interruption, talking, poor manners • Unprepared for class; homework incomplete • Late to class • Eating in class; chewing gum 	<ul style="list-style-type: none"> • Discussion with teacher • Move desk in class • Lunch catch up class for missing class or homework
2	<ul style="list-style-type: none"> • Repeated examples of Level 1 • Littering • Low level copying of work • Repeated dress code issues • Incorrect sport dress code • Anti-social behaviour with peers • Repeated lateness 	<ul style="list-style-type: none"> • Discussion/meeting by teacher/Coordinator • Contact parents/careers as appropriate • Inform Coordinator with a quick email • Lunch sitting out
3	<ul style="list-style-type: none"> • Level 1 or 2 repeated • High level disruption in class/co-curricular • Major homework/project/task not completed • High level defacement of workbooks • Poor sportsmanship • Foul language • Any form of bullying (including online bullying) • Public transport misbehaviour • Repeated lateness to school (three times in a two week period) • Inappropriate use of technology (including phones) 	<ul style="list-style-type: none"> • Discussion with student/teacher, coordinator or Principal • Recess/lunch sitting out as appropriate • Parents/carers informed
4	<ul style="list-style-type: none"> • Repeated level 1 - 3 behaviours. • Refusal to comply with directions (including phone use). • Repeated detentions issued by staff • Cheating in exams/ Plagiarism • Graffiti/ damage to school property • Disrespect of staff • Non-cooperation with sports officials/coaches • Racist/sexual comments • Rudeness to members of public; poor behaviour in a public place • Computer misuse or damage • Fighting • Theft • Failure to follow teacher instruction off site 	<ul style="list-style-type: none"> • Coordinator /Principal informs parents/carers and if necessary conducts meeting with parents/carers • Discussion with the coordinator/Principal • Week of recess and lunch detentions and/or possible suspension issued • Principal is informed of the discussion with the coordinator in writing.
5	Serious issues, including but not limited to:	<ul style="list-style-type: none"> • Student taken straight to Principal (or appropriate coordinator delegate)

	<ul style="list-style-type: none"> ● Drug/alcohol/smoking offences which can bring the school in ill repute ● Any issues that break the law ● Repeated AWOL ● Use of Pornography at the Academy ● Deliberate vandalism, etc. ● Repeated level 4 actions ● Aggressive/antisocial behaviour to staff. ● Actions that bring the Academy into ill repute ● Threatening behaviour to staff or students 	<ul style="list-style-type: none"> ● Suspension issued ● Position at school under review ● Re-entry interview required with students and parents/carers when/if the student returns to school ● Student may be placed on a contract if they are to continue at the school
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The above framework is a guideline for decision making but the school/ the Principal reserves the right to adjust according to additional information or history as appropriate.

Procedures

1. Suspension

1.1. General principles

- 1.1.1. In determining whether a student's misbehaviour is serious enough to warrant suspension, the Principal or Principal's delegate will consider the safety, care and welfare of the student, staff and other students.
- 1.1.2. Before a suspension is imposed, with the exception of the cases of serious instances of misbehaviour that impact on the safety or welfare of students or staff, the Principal or Principal's delegate will:
 - ensure that appropriate personalised learning and support strategies and discipline options have been applied and documented
 - ensure that appropriate support personnel available within the school and externally have been involved
 - ensure that discussion has occurred with the student and parents/carers regarding specific misbehaviour which the school considers unacceptable and which may lead to suspension
 - develop specific personalised learning and support to assist the student to manage inappropriate behaviour
 - provide a formal, written caution detailing inappropriate behaviours, as well as clear expectations of what is required of the student in future, and record all action taken
 - ensure clear records documenting each incident and steps taken are kept in the school online repository such as incident reports and letters to parents/carers.
- 1.1.3. In some circumstances the Principal or Principal's delegate may determine that a student should be suspended immediately. This will usually be due, but not limited, to reasons such as the safety of students or staff.
- 1.1.4. The Principal or Principal's delegate must suspend immediately and consistently with these procedures (including procedural fairness) any student who:
 - **is physically violent:** Any student who is physically violent, resulting in injury, or whose violent behaviour seriously interferes with the safety and wellbeing of others.
 - **sexually harasses, assaults or threatens a student or staff member:** Any student who is sexually violent, threatens sexual violence, sexually harrasses another student, or whose behaviour seriously interferes or has the potential interfere with the safety and wellbeing of others.

- **is in possession of a firearm, prohibited weapon, (as defined by Schedule One of the Weapons Prohibition Act), or knife (without reasonable cause):** Any student in possession of a prohibited weapon, firearm or a knife (without reasonable cause). The matter must be reported to the NSW Police Force immediately.
- **uses, supplies, or is in possession of, a suspected illegal substance (not including alcohol or tobacco) or supplies a restricted substance:** This includes if the substance is being represented by the student as an illegal substance, or on confirmation that the substance is, in fact, illegal. Students who assist other students to obtain illegal substances or supply restricted substances, such as prescription drugs, are also to be suspended. The NSW Police Force will hold the substance pending any legal action.
- **engages in serious criminal behaviour related to the school:** The matter must be reported to the NSW Police Force immediately.

1.1.5. Should parents/carers require support in order to participate fully in the suspension or expulsion process, including suspension resolution meetings, a person acceptable to both the parents/carers and the Principal may be involved, e.g. a member of the local Aboriginal Education Consultative Group or an interagency support worker. Consideration must be given to any adjustment that may be required for a parent/carer with a disability to participate in the meeting. The responsibility for organising support rests with the student or parents/carers.

1.2. Short suspension

1.2.1. In circumstances where measures detailed in 1.1.2 above have been unsuccessful in resolving the inappropriate behaviour or the circumstances in 1.1.3 apply, the Principal or Principal's delegate may choose to impose a short suspension of up to and including four school days. Short suspensions may be imposed for the following reasons and will be reported in the following categories:

- **continued disobedience:** This includes, but is not limited to, breaches of the school discipline code such as: refusal to obey staff instructions; defiance; disrupting other students; use or under the influence of alcohol/drugs or use of any nicotine product
- **aggressive behaviour:** This includes, but is not limited to, hostile behaviour directed towards students, members of staff or other persons, disrespectful and demeaning behaviour, including damaging the property of the school or students;
- **bullying** (including cyberbullying); verbal abuse and abuse transmitted electronically such as by email, Facebook, Twitter, SMS text messages or by other electronic means

- **plagiarism and academic misconduct:** This may include, but is not limited to, plagiarising part or all of an assessment task, completing work for other students or repeated non-completion of allocated classwork or homework.
- 1.2.2. A formal disciplinary interview must be held with the student prior to making the decision to impose a short suspension. The Principal or Principal's delegate must ensure that the student is given explicit information about the nature of the allegation(s) and is given the opportunity to consider and respond to the allegation(s). The key features of the interview must be taken down in writing.
- 1.2.3. A suspension resolution meeting must be convened by the Principal or Principal's delegate at the earliest opportunity.
- 1.2.4. If learning and support strategies and short suspensions have failed to resolve the issue of inappropriate behaviour, strategies such as further short suspensions, a longer suspension or alternative educational programs must be considered. Each case will be different and the action needs to be appropriate to the individual circumstances of the case.

1.3. Long Suspension

- 1.3.1. If short suspensions have not resolved the issue of inappropriate behaviour, or the misbehaviour is so serious as to warrant a long suspension, the Principal or Principal's delegate may impose a long suspension of up to and including 20 school days. In determining if a student's behaviour is serious enough to warrant a long suspension the Principal or Principal's delegate must consider:
- the safety of students and staff
 - the merit and circumstances of the particular case
 - factors such as the age, individual needs, any disability and developmental level of students.
- 1.3.2. Subject to factors outlined in 1.3.1 above, the Principal or Principal's delegate will impose a long suspension for:
- **physical violence:** Which results in injury, or which seriously interferes with the safety or wellbeing of other students and staff (including sexual or indecent assault).
 - **sexual harassment or assault:** Any student who is sexually violent, threatens sexual violence, sexually harrasses another student, or whose violent behaviour seriously interferes with the safety and wellbeing of others.
 - **use or possession of a prohibited weapon, firearm or knife:**
When the student:

- uses or possesses a weapon which is listed in Schedule One of the Weapons Prohibition Act. Prohibited weapons include laser pointers, or similar articles with a power output of more than one milliwatt. Prohibited Weapons do not include harmless children’s toys such as plastic imitation guns that are clearly intended to be toys;
- uses a knife or possesses a knife (without reasonable excuse¹ as defined by the Summary Offences Act 1988);
- uses or possesses a firearm of any type (including live ammunition and replica firearms).
- **possession, supply or use of suspected illegal or restricted substances:** This includes supplying other students with illegal drugs or restricted substances such as alcohol, tobacco products, prescription drugs, paraphernalia, etc.
- **serious criminal behaviour related to the school:** This includes malicious damage to property (school or community), or against the property of a fellow student or staff member on, or outside of the school premises. If the incident occurred outside the school or outside school hours, there must be a clear and close relationship between the incident and the school.

Subject to factors outlined in 1.3.1 the Principal or Principal's delegate may also impose a long suspension for:

- **use of an implement as a weapon:** When a student uses an implement as a weapon to assault or injure another person (including use of an offensive implement, which is any implement made or adapted to cause injury to another person).
- **persistent or serious misbehaviour:** This includes, but is not limited to:
 - repeated refusal to follow the school discipline code;
 - threatening to use a weapon in a way that might seriously interfere with the safety and wellbeing of another person;
 - making credible threats against students or staff;
 - behaviour that deliberately and persistently interferes with the rights of other students to learn or teachers to teach including bullying, harassment and victimisation.

1.3.3. In cases where consideration is being given to imposing a long suspension from the school, the gravity of the circumstances require that particular emphasis be given to procedural fairness issues.

1.3.4. A formal disciplinary interview must be held with the student prior to making the decision to suspend. The Principal or Principal's delegate will ensure that the student is given explicit information about the nature of the allegation(s) and is given the opportunity to consider and respond to the allegation(s). The

¹ “reasonable excuse” includes ceremonial Kirpans carried by Sikhs for religious purposes.

student must also be able to have an appropriate observer of their choosing present at the interview. It is advisable to have a parent/carer present at the meeting. The key features of the interview will be taken down in writing. A work program will be provided for the duration of the suspension.

- 1.3.5. The Principal or Principal's delegate will aim to minimise the number of days each student is suspended.
- 1.3.6. A suspension resolution meeting must be convened by the Principal or Principal's delegate at the earliest opportunity. The expectation is that students will be returned to school at the earliest opportunity.

2. Deciding on, notifying and resolving a suspension

The following steps apply to both short and long suspensions.

2.1. Decision

- 2.1.1. The decision to suspend must be taken by the Principal or Principal's delegate, or in the Principal's absence, the person performing the Principal's role (Relieving Principal).
- 2.1.2. The Principal or Principal's delegate will convene a meeting during which the student is informed of the precise grounds on which suspension is being considered. The parents/carers may be present. The student must be given the opportunity to consider and respond to this information. The student's response must be considered before a decision to suspend is made. Where long suspension is being considered, the student should have an appropriate observer (such as Coordinator of Well-Being in Learning/Academic Coordinator or someone of their choosing) present at the formal disciplinary interview.

2.2. Notification

- 2.2.1. 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 or Principal's delegate must ensure that adequate supervision is provided for that student at school until those arrangements are made.
- 2.2.2. Notification of suspension must be made to the parents/carers in writing within 24 hours following immediate verbal notification. Reasonable steps must be taken to ensure that the notification is delivered, if necessary in an alternative form.
- 2.2.3. In all cases, the notification must include:

- notice of the suspension
- the date and probable duration of the suspension
- the category and specific reasons for the suspension
- the clear expectation that the student will continue with studies while suspended and, in the case of a long suspension, that a study program will be provided
- the importance of parents/carers cooperatively working with the school in resolving the matter
- parents/carers responsibility for the care and safety of the student while under suspension, and the clear expectation that the student should not be on school grounds without the prior permission of the Principal or Principal's delegate.
- information concerning appeal rights and other appropriate government or community agencies available to provide assistance where necessary.

2.3. Resolution

- 2.3.1. The Principal or Principal's delegate must convene a suspension resolution meeting of personnel involved in the welfare and guidance of the student, including the parents/carers, to discuss the basis on which the suspension will be resolved.
- 2.3.2. If parents/carers are unable or unwilling to attend a suspension resolution meeting, or if their attendance presents a risk to the safety and wellbeing of the staff or Principal, the Principal or Principal's delegate will consider the individual merits of the case and review the term of suspension if required.
- 2.3.3. In the case of a long suspension, a suspension resolution meeting must be convened at the earliest opportunity.
- 2.3.4. A full record will be made of the outcomes of the suspension resolution meeting. This will be retained in the student's file at the school in the student's enrolment folder. A copy will be provided to the student and the parents/carers.
- 2.3.5. Where a student is returning from suspension following an incident that involved violence or weapons, the Principal or Principal's delegate must undertake a risk assessment in order to assess whether the return of the student will pose a risk to staff, students or other persons. This will be completed before the final day for resolution of the suspension.
- 2.3.6. The student will not be readmitted to the school until the issues identified in the risk assessment have been addressed.

3. Expulsion

- 3.1. In circumstances of serious and/or repeated misbehaviour the Principal may expel a student of any age from their school. Examples may include but are not limited to: committing crimes on school grounds or intentionally causing serious harm to staff, students or school community members.

Expulsion of a student may occur when any of the student's conduct (Long Suspension conditions) is persistent or is otherwise incompatible with the student's ongoing enrolment. Normally a period or periods of suspension occurs as a means of dealing with unacceptable behaviours, before deciding to expel a student. However, on some occasions, the students' misconduct may be considered so serious that the Principal may decide to expel the student in circumstances where there has been no prior suspension. This may result from a single serious breach of the School rules or following an ongoing management process aligned with the School Discipline System.

A student who returns from Long Suspension or several recurring short suspensions and continues to demonstrate unacceptable standards of conduct, either in behaviour or academically, will be referred to the Principal. The Principal may decide that the student's enrolment will be terminated. A decision to terminate a student's enrolment can only be made by the Principal.

- 3.2. In all cases where consideration is being given to expelling a student, the gravity of the circumstances requires that particular emphasis be given to procedural fairness.

4. Review of Discipline Processes

- 4.1. The Chair of the Board of Directors may review any aspect of the implementation of these procedures at any time.

5. Appeals

- 5.1. Students and parents/carers may appeal if they consider that correct procedures have not been followed, and/or that an unfair decision has been reached.

- 5.2. Appeals will be in writing, stating the grounds on which the appeal is being made within 14 days of the decision.

- 5.3. The Principal will:

- deal with the appeal within 20 school days of its lodgement
- ensure that communication lines are maintained with the person(s) making the appeal and that they are kept aware of the progress of the appeal via email/ letters
- review all relevant material

- ensure that appropriate material has been made available to the student and his or her parents/carers
 - discuss relevant issues with the person(s) making the appeal and any other parties, as appropriate
 - advise all the parties of the decision and the specific reasons for reaching the decision.
- 5.4. Where an appeal or a component of an appeal is upheld, the person determining the appeal will decide what further action is to be taken. Further action will be determined by the findings of the appeal, but will normally include systems improvement to school processes to ensure the requirements of the procedures are appropriately implemented in the future, or an annotation to the School's record of suspension and the student's record indicating the findings of the appeal.
- 5.5. The fact that an appeal has been lodged does not put on hold the Principal's or Principal's delegate's decision to suspend or suspend prior to expulsion from the School.
- 5.6. The appeal of a decision by the Principal will be reviewed by the Chair of the Board (see Complaints Policy.)

6. Responsibilities and delegations

6.1. Responsibilities

- 6.1.1. The Principal must ensure these procedures are readily accessible to all employees.

6.2. Delegations

- 6.2.1. The Principal has the delegated authority to suspend or expel a student from the School. A Relieving Principal may do so in consultation with the Principal.

7. Procedure for serious allegations:

- 7.1. When an allegation of conduct which may lead to expulsion or a long suspension is made or received by a staff member, it must be reported to the Principal who will:
- a. consider whether the conduct should be reported to any authority e.g. the Police and/or the Department of Communities and Justice. If it is reported to the Police/DCJ, no further inquiries should be undertaken pending the outcome of the Police/DCJ inquiries (including interviewing any person); and

- b. conduct a risk assessment to determine whether the student (the subject of the allegations) should remain at school pending the result of the investigation and/or whether any wellbeing support is required, and implement appropriate arrangements.
- 7.2. If the matter does not require reporting to the Police and/or DCJ, or they have cleared the school to commence its inquiries, the Principal will appoint a member of the School Executive team, or another senior staff member (the Investigator) to investigate.
- 7.3. The Investigator will conduct a fact finding inquiry. This will generally involve:
 - a. speaking to witnesses;
 - b. advising the student (the subject of the allegations) of the details of the allegations and the process that the investigator will follow – that may be in writing or in person. If the meeting with the student is about possible criminal conduct or there are wellbeing concerns regarding the student, a parent or guardian should have the opportunity to be present. More generally, it will be a matter of judgement for the School/investigator; and
 - c. giving the student an opportunity to respond to the allegations – and the option to do so in writing or in a meeting.

All discussions and interviews should be documented during the investigation.

- 7.4. Once the member of the School Executive team has completed the investigation and made findings of fact, or has received and considered the fact finding report from the staff member who conducted the investigation, the member of the School Executive team will form a preliminary view regarding what disciplinary action may be appropriate based on findings.
- 7.5. If the member of the School Executive team forms a preliminary view that the student should be expelled or given a long suspension, they are to present those findings to the Principal who will review procedural fairness. The member of the School Executive team will then advise the parents/carers and student of the disciplinary outcome. This can be done in a meeting which is confirmed in writing, or simply in writing. The parents/carers and the student are given an opportunity to provide a response in writing to the member of the School Executive team regarding the outcome.
- 7.6. Parents/carers may follow the complaints process if they would like to appeal the decision.