



The John Berne School  
Hope Always

## **Discipline Policy**

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## **1. INTRODUCTION AND PURPOSE**

The purpose of this policy is to provide guidance to The John Berne School (JBS) in managing student behaviour of concern.

## **2. SCOPE**

This policy applies to all JBS staff responsible for student management.

## **3. GUIDING PRINCIPLES**

The following principles guide how this policy will operate in practice:

- 3.1 The safety and wellbeing of JBS students, parents/carers and staff is paramount.
- 3.2 JBS is a safe and caring environment in which staff are expected to build and maintain positive relationships with students and parents/carers to effectively manage student behaviour through collaboration and open dialogue.
- 3.3 Students are required to comply with the rules and expectations about their conduct as set by JBS
- 3.4 Students are treated equitably and in a procedurally fair and just manner. Students are given the opportunity to reflect on and acknowledge the impact of their behaviour on others.
- 3.5 Suspension and expulsion are regarded as serious consequences that may be applied to support the safety and wellbeing of all members of the school community, as well as their educational, physical and emotional needs.
- 3.6 Any decision to suspend or expel a student is made in accordance with the Policy and Procedures and must be appropriate and proportionate to the circumstances, taking into consideration relevant information available from students, staff, parents/carers, external agencies and where appropriate, Police.
- 3.7 The student, relevant staff, parents/carers and the Regional Director are to be consulted in the processes leading to expulsion, wherever this is appropriate and possible.
- 3.8 Matters relating to student conduct should be documented in accordance with the Procedures.

## **4. STUDENT BEHAVIOUR OF CONCERN**

- 4.1 Where serious concerns are identified about a student's behaviour or conduct putting themselves or others at risk, the school must assess the risks and conduct an inquiry in accordance with the process set out in the Procedures.
- 4.2 The Principal should alert the Regional Director to seek support and assistance in assessing risk, determining whether NSW Police need to be notified, and the inquiry process.

## **5. SUSPENSION FROM SCHOOL**

## 5.1 What is suspension?

5.1.1 Suspension is the removal of a student from school activities or the school site for a period of time.

5.1.2 A suspension may be issued as an Internal Suspension or an External Suspension, at the discretion of the school Principal.

- An Internal Suspension is where the student is removed from attending regular lessons and school activities, but is present on the school site. Appropriate supervision and work are provided during this period in a space away from other students. It is used in circumstances where the Principal's determination is that the student can be safely on site, and/or where the home environment would not be an appropriate place for the suspension.
- An External Suspension occurs off the school site for a temporary period of time. It is designed to allow time for the school, parents/carers and the student involved to work towards a resolution of the behaviour and circumstances that have led to the student's suspension, and to focus on the development of an appropriate response and process for a return to school. During this time the student is not able to attend the school site or participate in school events or activities.

5.1.3 A suspension allows time for the school to plan and implement appropriate supports to mitigate the risks to health, safety, learning and wellbeing, posed by the student's behaviour, and to plan for the student's successful re-engagement with learning and into the school community.

## 5.2 Suspension considerations

5.2.1 Following an assessment of the behaviour and the risk associated with the behaviour, it may be necessary to suspend a student to allow time for further discussion or inquiry. In determining whether to suspend a student, a Principal must comply with the process outlined in the Procedures.

Factors to consider in determining where suspension is appropriate may include:

- any physical violence, where a student, member of staff or other person is injured;
- any threatened violence that is risk assessed as being a credible threat to the safety and wellbeing of students, staff and/or others;
- possession of a prohibited weapon;
- use or possession of banned substances; or, where a substance is reasonably suspected of being an illegal substance. (These matters are referred to the school's Police Youth Liaison Officer (PYLO));
- acute or extreme behaviour, such as bullying or harassment and/or threats made in person or via electronic means;
- where predetermined behavioural goals have not been met and appropriate student management strategies have already been applied through a student support plan;
- the impact on the student and the broader school community;
- whether the provision of supervision at home is appropriate;

- whether all relevant information from students, staff, parents/carers, external agencies, NSW Police and mental health practitioners, if relevant, has been considered;
- behaviours that meet the definition of violence toward self or others under Part 5A of the Education Act NSW; and
- serious breaches of the school rules that present a risk, as outlined in the Procedures.

5.2.2 This includes behaviours that occur offsite when students are or at a school organised event.

5.2.3 If a decision is made for an external suspension, the Principal must consider the school's duty of care to the student. Parents/ carers are to be notified and asked to make the necessary arrangements for the student to leave the school site. When no contact can be made with the parents/carers, the student will remain on internal suspension until the end of the school day.

### 5.3 Approval of suspension

5.3.1 The Principal is delegated to suspend a student for a period of up to and including five school days. This includes internal or external suspension.

5.3.2 On some occasions it may not be possible for a student to safely re-enter the school after 5 days suspension, the process to follow if the situation arises is set out in section 6.2.

### 5.4 Notification

5.4.1 The school must notify the student's parents/carers of the suspension. The initial notification may be provided verbally, however this must be followed in a timely manner by a written notification, in accordance with the Procedures.

### 5.5 Suspension documentation

5.5.1 Documentation concerning suspensions are held at the school. Student behavioural records are treated as confidential and are not released without a valid and lawful basis for doing so, for example, a Chapter 16A request or a Subpoena.

## 6. ASSESSING RISK

6.1 Student behaviour that may pose harm to self and/or others requires a risk assessment and may require a Risk Management Plan and/or a mental health assessment process to be undertaken as an alternative to suspension or prior to a student returning to school after a period of suspension. This may occur when there are other health issues impacting the student.

There are two models of risk assessment that may apply:

- Risk assessment for situations that come under the definition of risk posed by a student's violent behaviour according to Part 5A of the Education Act (1990) NSW. This should be undertaken in accordance with the Procedures in collaboration with the JBS Child Safety Team.

- Risk assessments for all other situations should be undertaken in accordance with the Procedures in collaboration with the JBS Student Wellbeing Team as required.

6.2 Where risks associated with the student's behaviour/conduct cannot be mitigated for the student to safely return to school after the initial period of suspension, and/or further time is required to understand the issues and develop the risk management plan, the student may be directed to remain at home, as follows:

- For a further 10 school days to allow the Principal to develop strategies in consultation with the Regional Director and JBS Counselling team
- For periods beyond 15 school days, approval is required from the Regional Director

6.3 Any student who has been directed to remain at home must be provided with access to education at home via the school's Google Classroom portal and given remote support by teachers. If appropriate the school may also offer for the school counsellor to liaise with the student and/or their treating health practitioners to provide wellbeing support.

The Principal must notify the parents/ carers, in writing, of decisions taken, at every step in the risk assessment process and work collaboratively with the students family to set expectations and ensure the process is focussed on the best interests and learning outcomes for the student.

## **7. RE-ENTRY TO SCHOOL**

7.1 A re-entry meeting must occur with parents/carers, student and school personnel prior to the student returning to school after any period of suspension or a direction to remain at home while a risk assessment is conducted.

7.2 An appropriate return to school plan must be developed and agreed with the student and their parents/carers in accordance with the Procedures. This plan may include agreed learning and behavioural expectations, support intervention programs, and where appropriate, may require a risk assessment and the development and implementation of a Student Support Plan and Risk Management Plan.

7.3 If the risk identified at the time of the suspension cannot be mitigated, the risk assessment will need to be reviewed in consultation with the SCS Student Wellbeing and Learning or Child Safety Team.

## **9. EXPULSION FROM THE JOHN BERNE SCHOOL**

### **Reasons for expulsion**

9.1 What is expulsion

Refers to the process of excluding a student from continuing enrolment or re-enrolment at The John Berne School.

In rare circumstances it may be appropriate to expel the student from JBS..

## **Expulsion considerations**

9.2 When considering whether to recommend the expulsion of a student a Principal must comply with the process outlined in the Procedures.

Considerations will include:

- the safety and wellbeing of the student, other students, staff and community members
- the impact on the student and the broader school community
- the success, or otherwise, of avenues attempted by JBS to try and resolve the situation
- whether discussions have occurred with the student and their parents/carers including reasons for the expulsion
- whether appropriate consultation has occurred within JBS and all relevant information has been considered.

## **Expulsion approval**

9.3 The Regional Director will recommend to the Principal to expel a student from The John Berne School in accordance with the Procedures.

## **Notification of Decision**

The decision made under this policy will be communicated in writing to the student and the student's parents/carers. The Principal will also attempt to communicate this decision verbally.

The student and the student's parents/carers must abide by the terms and conditions of the decision.

## **Appeals**

A student may seek a review of a decision made under this policy. All appeals must be made in writing, setting out the grounds of appeal.

An appeal from a decision to suspend a student must be made to the Principal.

An appeal from a decision to expel a student must be made to the MSA Regional Director.

## **Implementation**

This policy is implemented by:

- staff training and professional development opportunities in behaviour management;
- communicating this policy to the school community;
- monitoring the effectiveness of the policy; and
- reviewing and evaluating the policy.



## Procedure for suspension

Where a disciplinary issue arises which may result in suspension the school will investigate the circumstances surrounding the issue. The Stage Coordinator may direct the student not to attend school while the investigation takes place. An investigation will include the student being provided with information about the nature of the allegations and being given an opportunity to respond.

If after receiving the results of the investigation and hearing representations from the student, the Stage Coordinator forms the view that the student should be suspended, the Stage Coordinator will make a recommendation to that effect to the Principal and advise the student and parents/carer that this recommendation has been made.

The parents/carer or student may appeal against that recommendation to the Principal setting out the reasons why the Principal should not act on the recommendation. Any appeal must be provided to the Principal no later than 2 days after the parents/carer have been advised of the recommendation.

If no appeal is made within the time specified, the Principal will decide whether to accept the recommendation and advise the student and parents/carer of the decision.

If the student or parents/carer have lodged an appeal, the Principal will consider the recommendations and the reasons provided by the student or parents/carer for not following the recommendation and will decide whether to accept the recommendation of the Stage Coordinator. The Principal will then advise the student and parents/carer of the decision.

The decision made by the Principal will be final.

## Procedure for expulsions

Where a disciplinary issue arises which may result in expulsion the school will investigate the circumstances surrounding the issue. The Stage Coordinator may direct the student not to attend school while the investigation takes place. An investigation will include the student being provided with information about the nature of the allegations and being given an opportunity to respond.

If after receiving the results of the investigation and hearing representations from the student, the Principal forms the view that the student should be expelled, the Principal will make a recommendation to that effect to the Regional Director and advise the student and parents/carer that this recommendation has been made.

The parents/carer or student may appeal against that recommendation to the Regional Director, setting out the reasons why the Principal should not act on the recommendation. Any appeal must be provided to the Regional Director no later than 7 days after the parents/carer have been advised of the recommendation.

If no appeal is made within the time specified, the Regional Director will decide whether to accept the recommendation and advise the student and parents/carer of the decision.

If the student or parents/carer have lodged an appeal, the Regional Director will consider the recommendations and the reasons provided by the student or parents/carer for not following the recommendation and will decide whether to accept the recommendation of the Principal. The Regional Director will then advise the student and parents/carer of the decision.

The decision made by the Regional Director will be final.

Acknowledgement

I \_\_\_\_\_ have read, understood and agree to comply with the terms of this Discipline Policy.

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Signed

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Dated