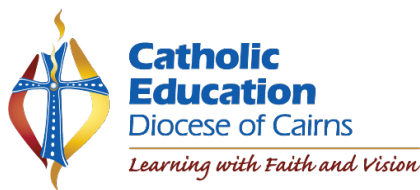


# Guideline/Procedure



Directive No:

Approval Date: 2018

Previous Review Dates: 2012, 2013 (previously Student management – detention, suspension, exclusion)

Next Review Date: 2023

Author: DSEs, MG&E (acknowledging some source material BCE)

## Responding to unacceptable student behaviour

(Time-out, Detention, Suspension, Change of school, Exclusion)

### Purpose

Catholic schools seek to create environments that are supportive of all individuals. Our schools strive to enhance a sense of belonging and demonstrate a caring concern for the wellbeing of all of their members. However, every school has some students whose behaviour falls short of reasonable school expectations and requires serious school action. These behaviours may be characterised as persistently disruptive to the learning and teaching program, noncompliant with the school rules and codes of conduct, or harmful to the wellbeing and security of its community. In this context, Cairns Catholic schools ensure that disciplinary measures and sanctions are not initially approached as punitive actions, but aim to foster responsibility for actions and behavioural change in students.

### Application

This guideline will be used by CES and all schools in the Diocese of Cairns.

These procedures apply to the behaviour of students at school, on the way to and from school, and while away from the school site on school-endorsed activities.

They may also apply to behaviour outside of school hours and off school premises, when there is a clear and close connection between the school and the behaviour of students. This may include the use by a student of social networking sites, mobile phones and/or other technology to intimidate, harass, bully, or threaten another student or staff member.

### Guideline or Procedure

Supporting students with severe and repeated inappropriate behaviour is a difficult and often emotionally strenuous area of work for school staff. School-based interventions, approaches and supports for this group of students need to be systematic, intensive and ongoing. Effective use of preventative systems of school behaviour support will provide opportunities for this to occur. Preventative systems also provide strong support for intensive intervention programs, by maintaining a consistent behavioural environment.

### Procedural fairness

School leaders must be mindful of the principles of procedural fairness when applying the student support policy and procedures. Procedural fairness is generally recognised as having these elements:

- a right to be informed of the allegations made against the student;
- a right to have access to facts and documents on which the decision-maker's decision will be made;
- a fair and reasonable opportunity to respond to the allegations before a decision is made; and
- the right to have a decision made by an unbiased decision-maker.

In considering this range of active interventions it is important to involve parents and caregivers early in the process and communicate with them often, respectfully and pastorally. This includes, within these guidelines, giving them adequate time to consider and respond to the school's communication.

## A note on discrimination

School leaders will be aware of moral and legal obligations to ensure no student is unlawfully discriminated against in the application of these guidelines. Consideration must be given to the requirements of the Commonwealth *Disability Discrimination Act 1992*, the *Disability Standards for Education 2005* (Qld) and the *Queensland Anti-Discrimination Act 1991*.

A school cannot unlawfully discriminate against a student based on the protected attributes listed in section 7 of the *Anti-Discrimination Act 1991*. These include race, sex, impairment (also called disability) and age.

The Act prohibits unlawful discrimination by an educational authority in a *student area* (which includes variation of enrolment, exclusion or unfavourable treatment).

School leaders should also be aware this legislation covers both direct and indirect discrimination (sections 9-11).

Schools are required to comply with the *Disability Standards for Education 2005* which cover making reasonable adjustments in a reasonable time in consultation with the student and/or the student's associated person (usually parents/caregivers). If a student has a disability, decisions about a school's response to unacceptable student behaviour must be informed by the *Disability Discrimination Act 1992* and the *Disability Standards for Education 2005*.

School leaders must be satisfied that the considerations involving a student leading to the application of the guidelines, and the process by which these guidelines are applied, do not unlawfully discriminate against the student or his or her family. Just as the legislation requires that reasonable adjustments are provided to support students with a disability to access and participate in education, so too should reasonable adjustments be made in the application of these guidelines to ensure the particular circumstances of each student and their family are fairly addressed.

This could include consideration of interpreter services for students and parents (where communication difficulties arise), cultural issues, and intellectual capacity, where this may affect an understanding of what is occurring. For example, a support person for the student/family, acceptable to both the parents and school leadership, is often a reasonable means of addressing some of these issues.

## Use of consequences and sanctions

Consequences for inappropriate behaviour should be determined by individual need and situation. The initial consideration is: Does the behaviour require an imposed consequence? If so, what effect will the consequence have now and over time? Consideration needs to be given to the history of the student, especially in terms of disability, abuse, or trauma. When determining consequences or sanctions, consider the following points:

- Predetermined consequences may be ineffective and incompatible with the inappropriate behaviour. Consider whether predetermined responses might be ineffective when they do not help the student to make better behaviour choices in any given situation.
- Whether the consequence is instructive or only punitive or suppressive. That is, does the consequence actually help the student to learn an alternative behaviour for the next time the same or a similar situation arises?
- Do not assume that ineffective consequences will become effective if used often enough or if strengthened. If individual needs are not met, the behaviour will most likely continue.
- Continue to gather ongoing assessment information to understand the conditions under which behaviour occurs and does not occur.

Understanding the conditions under which behaviour occurs can help shift the focus to prevention and instruction and reduce the need for consequences. This can be especially important for students who experience disability or have experienced trauma.

Shifting away from reliance on negative consequences to addressing inappropriate behaviour is difficult. On a broad level, it may require ongoing examination of some well-established educational practices. On a personal level, it will require us to reflect on our own behaviour. Such examination and reflection can result in a more appropriate use of consequences to build skills with long-term benefits for students.

This guideline outlines five formal consequences that might be applied to address inappropriate behaviour.

## 1. Time-out

'Time-out' can be used as a proactive or reactive strategy. 'Time-out' can be defined as giving a student time away from their regular program/routine in a separate area within the classroom or in another supervised room or setting. At a more serious level, 'time-out' from the classroom may be in the form of 'in school suspension' in another classroom or under the supervision of a member of the leadership team or another staff member. 'Time-out' lies along a continuum of procedures that assists students to self-regulate and control their behaviour. 'Time-out' can be defined as the "exclusion from normal classes, or from a particular class or activity, pending negotiated conditions for re-entry".

'Time-out', used appropriately, can provide an effective response to challenging behaviours. The use of 'time-out' must be planned and purposeful. It should be considered as a method that allows the student time away from the situation to reflect and regain composure; the outcome of 'time-out' should be a reduction in the behaviour.

### Principles for use of 'Time-out'

- 'Time-out' can be used as a strategy to enable students to manage their own behaviour.
- 'Time-out' can assist a student in the calming down process.
- 'Time-out' can be used as a strategy to reduce the frequency of a particular behaviour.
- The purpose of 'time-out' may also be to temporarily relieve the teacher and other students.
- 'Time-out' is only one of a range of management options. It should be consistent with the developmental and individual needs of the student.
- When 'time-out' is used, it is important to ensure that all staff, students and parents are aware of its intended purpose and procedures.
- 'Time-out' will not be effective if the student does not want to return to class, or views 'time-out' as a means of escape from an undesirable situation.
- The regular use of 'time-out' for a particular student should be documented and analysed, with a view to reducing the frequency of its use and to determine its utility.

## 2. Detention

A detention is any period of time when a student is required to remain at school, in a particular location or in an activity, in 'non-class' time, such as recess, lunchtime, recreation time, after school, or non-school days.

Differences exist between responses for Primary and Secondary students because of different developmental levels. Communication regarding detention procedures at a school should be outlined in the school's [Student Behaviour Support Plan](#). The Principal of a school, if satisfied that a student has behaved in an inappropriate manner, may impose a detention on that student. The Principal's authority may also be delegated to teaching staff in accordance with each school's [Student Behaviour Support Plan](#). The use of detention as a method of managing student behaviour is at the discretion of each school.

The opportunity exists during a detention to use that time to repair relationships, use restorative practices, make plans for appropriate behaviour and rehearse alternative behaviours. The processes associated with detention may be couched within frameworks such as the 'Responsible Thinking Process'. A detention should be constructive and age-appropriate. Detention can signal to a student that their inappropriate behaviour will be met with an immediate consequence. That is, detention can be a deterrent to inappropriate behaviour.

## Guidelines

- A member of the teaching staff should supervise detentions, especially if curriculum is being taught.
- If school officers or any other staff members supervise students in detention or in a Responsible Thinking Classroom (RTC), it is the obligation of the school to ensure that these staff members are capable and supported, and that the student is observed and supervised in an appropriate manner.
- It is not appropriate for detentions to take place in public places such as school reception areas or outside the Principal's office.
- When students are detained at school before or after school hours, it is necessary to notify parents/caregivers and give adequate notice. Furthermore, if detention will jeopardise a student's safe transport home, the detention should be postponed until alternative arrangements can be negotiated with the student's parents/caregivers.
- The guidelines for detentions should be explicit in the school's [Student Behaviour Support Plan](#). The [student's](#) interaction with staff supervising detention should be emotionally neutral with the aim for the student to be re-admitted to class with a negotiated agreement to behave in an appropriate way.

## 3. Suspension

Suspension is a serious consequence involving the temporary, full-time or part-time withdrawal of a student's right to attend school and/or school related functions for a defined period of time. A suspension may take place in school or out of school.

For best outcomes, the school and parents/caregivers should work together, with the aim of assisting a suspended student to rejoin the school community as quickly as possible. While the suspension decision cannot be the subject of review, it should be preceded by consultation with the student's parents/caregivers.

The Principal (or Principal's delegate) may suspend, full-time or part-time, a student from that school **for a period up to 10 school days** or part thereof, if satisfied that the student has behaved in an inappropriate manner, or if the Principal believes that the student's attendance poses an unacceptable risk to members of the school community.

## Guidelines

- Out-of-school suspension often further disadvantages a student in situations where the school otherwise provides the most suitable environment for reflection and an opportunity to develop positive, student-focused re-engagement strategies.
- Rolling suspensions should only occur in special circumstances and for good reason. Principals should consult their Director School Effectiveness where it is considered necessary to extend a suspension beyond 10 school days or when a student's cumulative suspension period exceeds 20 school days in a single school year.
- If a student's behaviour results in a criminal charge, suspension may continue until the charge is dealt with or the Principal decides that the student may attend school. If the Principal decides that the suspension will continue until the charge is dealt with, then the School may work with the student and his or her parents/caregivers to arrange an alternative educational program.
- Schools may apply immediate suspensions for serious matters that have been identified in school-based policies and procedures or otherwise justify immediate suspension.
- Suspension notices should be in writing, indicating the reasons for the suspension, the expected return date to school and the process for re-entry to the school. All information should be entered into the Student Behaviour Support database. (The SBS database system provides data for the Principal to use in compiling a report and formulating a letter to parents/caregivers).
- Consultation with parents and caregivers is required – at a minimum to understand the reasons for the suspension and its consequences, but also hopefully to engage the parents in a partnership to apply strategies that promote restorative practices in their child.
- A suspended student should not be sent outside the school grounds during school hours without notifying the parents and, when necessary, arrangements made for collecting the student from school.

- The school must consider any matters that might relate to unlawful discrimination in dealing with the student and/or his or her family. If any doubt exists, advice should be sought from Student Support Services.
- A school is not obliged to provide a student with schoolwork during suspension; however, Principals may provide such work if they consider it appropriate to do so.

## Procedures

In dealing with a matter that could result in a suspension the Principal should:

1. take actions to ensure, so far as reasonably practicable, that the school community, and the student concerned, are safe while the student remains at school before the suspension is effected;
2. consult with members of the leadership team, appropriate teachers and school staff, and if necessary CES specialist staff, to consider the circumstances and the available courses of action;
3. consult with the student's parents/caregivers and, where possible, invite them to the school to attend a meeting at the school with their child;
4. consider all the circumstances and make a decision as to whether to suspend the student and the conditions applying to any suspension;
5. convey any suspension decision in writing to the parents/caregivers (reasons/time period/re-entry date/conditions of re-entry);
6. enter details in the Student Behaviour Support database;
7. communicate the return-to-school strategy with the student and his or her parents/caregivers and secure the agreement of the student and parents/caregivers;
8. at an appropriate time, reflect on the effectiveness of the process and lessons learned and, if needed, further consult with the parents/caregivers and the student;
9. consider an Individual Behaviour Support Plan for the student or the adjustment of a current IBSP.

## 4. Negotiated change of school

In some circumstances, a change of school to another Catholic school, to a school in another sector, or to an alternative educational setting, may be agreed as the most appropriate means to responsibly support a student's wellbeing and/or learning needs. Such a change, known as a *negotiated change of school*, offers the student an opportunity for personal growth and a fresh start in an environment more suited to the student's needs and circumstances.

Negotiated change of school for a student may also be an appropriate method to protect the wellbeing of a school community (for example, when a student's continuing presence poses an unacceptable risk to the safety and wellbeing of the school community; the delivery of the educational program or the good order and management of the school).

The Principal should provide the parents/caregivers with an opportunity to consult about the implications of the negotiated change of school, and provide information about why the change is being proposed.

The following matters should be considered:

- The environment that would best provide for the student's learning, personal, social, emotional and spiritual needs
- Which school may provide an educational program suitable to the student's needs, abilities, and aspirations
- The process by which the change is to be negotiated and implemented
- The support required by the student and parents to make the transition

All considerations, determinations and communications should be in a documented record.

If a negotiated change of school cannot be achieved, the student should remain enrolled at their current school, unless the circumstances require a recommendation to the Executive Director for exclusion.

## 5. Exclusion

Exclusion is the permanent withdrawal of a student's right to attend a particular school and school-related activities. An exclusion decision can only be made by the CES Executive Director, on recommendation of the school's Principal, who has authority to invoke and follow the exclusion process up to making a recommendation.

Exclusion from one school does not prohibit the enrolment of the student in another Cairns Catholic school, unless the student has been specifically prohibited by the CES Executive Director from attending all Catholic schools in the Diocese of Cairns. Given the gravity of the exclusion process, particular emphasis must be given to all aspects of procedural fairness.

The purpose of exclusion is to

- Signal that the student's behaviour is not accepted in a particular school because it seriously interferes with the safety and wellbeing of other students or staff
- Remove the student from an established environment in which inappropriate behaviour patterns have become entrenched
- Provide the student with an opportunity for a fresh start in another school, which may prove to be better suited to the student's needs; and
- Give an opportunity for respite and relief to a school that has supported the student to bring their behaviour into alignment with a reasonably-expected standard.

### Guidelines

- Exclusion for seriously noncompliant behaviours will be considered only as a last resort because of the serious long-term consequences for the student and the family. Students will not normally be excluded unless a clearly-documented range of intervention strategies has been tried and unless there have been attempts to identify and address the causes of the behaviour, for example, through a **Functional Behaviour Assessment**. Exceptions may apply in some circumstances for example the commission, by the student, of a serious offence as defined by the *Working with Children (Risk Management and Screening) Act 2000*.
- Schools need to be aware of the legal, equity and pastoral issues applying to the exclusion of marginalised students and students in care of the State and also obligations under State and Commonwealth anti-discrimination legislation.
- Where a serious breach of the school's **Student Behaviour Support Plan** has occurred, the Principal may provide parents and students with a range of available options. Students may be excluded from a particular school only through the procedures outlined below. The procedures apply to students of compulsory school age and to those beyond it. Parents/caregivers have a right to know the processes involved in exclusion, as well as of their right to withdraw the student from the school. Where parents/caregivers exercise the right to move the student to a new school prior to the application of exclusion, the Principal or delegate is expected to facilitate the transition to the new school, if there is a request to do so.

### Procedures

1. Ensure, so far as reasonably practicable, that all actions are consistent with the safety of all members of the school community, including the student concerned.
2. Consult with school leadership, relevant staff at the school and in CES as to whether exclusion is the most appropriate process. This should include consultation with the Director School Effectiveness and the Parish Priest, if appropriate.

3. Consider whether a suspension is warranted to remove the student from school before invoking or while following an exclusion process. Follow the procedures for student suspension.
4. Consult with the parents/caregivers – provide them with a copy of the school’s relevant policies and procedures as well as this guideline/procedure. The intent is that parents/caregivers understand the seriousness of the matter and the process that will be applied. If possible, the student should be present in these discussions.
5. Consider, on the balance of all available information, whether to proceed with the exclusion process. If yes, continue this process below. If no, consider other actions consistent with the Student Behaviour Support process.
6. Ensure all documentation is logged in the Student Behaviour Support database.
7. Issue an ‘opportunity to respond’ letter to the parents/caregivers. Provide them with all documentation relating to the matter, having de-identified information where necessary. Parents/caregivers should be given seven school days to respond.
8. Consider any received response as per point 5 above.
9. If proceeding with the exclusion process, the Principal should seek a further conference with the parents/caregivers, outlining the reasons for the recommendation of exclusion to the CES Executive Director, the implications, the right of review and the procedures for review of an exclusion decision.
10. Transmit a recommendation and all supporting data to the CES Executive Director through the Director School Effectiveness.
11. The Director School Effectiveness will audit compliance with this guideline; determine if the recommendation is supported by the facts and either confirm or not confirm the recommendation. If the recommendation is not confirmed, the Director School Effectiveness will consult with the Principal about the reasons for that decision.
12. If the Director School Effectiveness is satisfied that there has been compliance with this guideline and the facts support the recommendation, the Principal’s recommendation will be given to the CES Executive Director.
13. The CES Executive Director will consider all the information provided and may further consult including with the Bishop and Vicar for Education.
14. The CES Executive Director’s decision is to either approve or reject the recommendation. If the recommendation is rejected, the CES Executive Director will advise the Principal and the Director of School Effectiveness of the action to be taken, including the student’s re-entry to the school and the conditions that will be applied or some other form of response to the unacceptable behaviour (for example: a negotiated change of school).
15. The Principal will, in turn, advise the parents/caregivers in writing of the CES Executive Director’s decision, the reasons for the decision and the facts and matters supporting the decision.
16. Parents/caregivers have up to 14 school days to request a review of an exclusion decision. The CES Executive Director may extend this period if the circumstances reasonably justify an extension of time.
17. The CES Executive Director will refer any request for a review of an exclusion decision to the Vicar for Education who will conduct the review. This process should be completed within four school weeks of the request for review.
18. Parties will be notified of the outcome of the review with reasons. If the review is successful, the student’s re-entry to the school, the timeframes and conditions will be negotiated.
19. The review decision made by the Vicar for Education is final.

## Enquiries

Directors, School Effectiveness; Director, Director, Wellbeing and Diversity

## Reflection

## See also (Related Policies and Guidelines)

### Policies:

- Student Behaviour Support
- Inclusive Practices
- Student Bullying – Prevention and Responses in Schools
- Social and Emotional Learning

### Guidelines and procedures:

- Guiding Principles for school-based positive student behaviour and relationships support
- School attendance and truancy
- Early identification and intervention referral pathways
- Student physical restraint

### Publication:

- Developing a Whole-school Positive Behaviour Support Plan