

Purpose and Overview

To provide guidance for staff, students and parents on ASHSS (the school's) approach to behaviour management and relationships, ensure disciplinary procedures based on principles of procedural fairness and to deal with disciplinary matters quickly and effectively to ensure that a positive and productive learning environment is maintained for all students.

The following extract is from the NSW Education Standards Authority (NESA) Registered and Accredited Individual Non-Government Schools (NSW) Manual, January 2017

Procedural fairness is a basic right of all when dealing with authorities.

Procedural fairness refers to what is sometimes described as the 'hearing rule' and the 'right to an unbiased decision'.

The 'hearing rule' includes the right of the person against whom an allegation has been made to:

- *know the allegations related to a specific matter and any other information which will be taken into account in considering the matter;*
- *know the process by which the matter will be considered;*
- *respond to the allegations;*
- *know how to seek a review of the decision made in response to the allegations.*

The 'right to an unbiased decision' includes the right to:

- *impartiality in an investigation and decision making;*
- *an absence of bias by a decision-maker, and*

Policy

1. This policy applies to ASHSS staff, students and parents.
2. Students are required to abide by the ASHSS rules and codes of conduct and to follow the directions of teachers and other people with authority delegated by the school.
3. Where a student disregards rules, disobeys instructions or otherwise engages in conduct, which causes or may cause harm, inconvenience or embarrassment to ASHSS, staff members or other students, the student may be subject to disciplinary action and required to engage in considered restorative practices.
4. The disciplinary procedures undertaken and restorative practices required by the School vary according to the seriousness of the alleged offence. When advised of an allegation the student and parents will be informed of the procedural steps to be followed in dealing with the matter. In relation to all matters to be investigated, the student will be informed of the nature of the allegation and given an opportunity to respond to the allegations.
5. The consequences will vary according to the behaviour and the prior record of the student. Students will be supported to address their behaviour through considered restorative practices. At the lower end of the scale 'time out' or an admonition or detention may be appropriate. At the upper end of the scale, the behavior could result in suspension or expulsion. **Under no circumstances is corporal punishment permitted*.**
6. **The School does not explicitly or implicitly sanction the administering of corporal punishment by non-school persons, including parents, to enforce discipline at the School.**

Procedure for suspension or expulsion of a student

- Report to Principal by teacher on duty, or Class or Specialist Teacher or children who observe incident.
- The Principal or nominee interviews all parties involved and follows steps to ensure there is a process of 'procedural fairness'.

Basic steps for Procedural fairness:

- Outline the alleged behaviour
 - Allow the student to respond
 - Consider the response
 - Indicate the school's view and likely action to the student and parents/guardians.
 - Consider any further comment or appeal particularly in relation to suspension, expulsion or exclusion
 - Make a final decision
- The Principal or their nominee will reach a preliminary decision in relation to the allegation and any penalty to be imposed and advise the student (and parent/s) of that view. The student (and parent/s) would be advised that if they wish this preliminary decision to be reviewed they may make application for a review to the Principal or their nominee and submit any information they want to be considered during the review process. The Principal or their nominee will then either confirm the preliminary decision as final or amend the preliminary decision based on the additional information provided.
 - Where the incident is severe or involves a student with a history of violent behaviour, the student may be immediately suspended for up to five days. For students in classes K – 3 the word **suspension** may be replaced with the words, **sent home**. The student's history of violent behaviour should be recorded in *Behaviour Incident Report Forms* and kept in the student's file. Note that it is important to consider individual circumstances and in some cases being excluded from particular activities or the students own class may be more effective. The aim should be to educate the child so as to prevent the behaviour from reoccurring and jeopardising the safety of others.
 - The Class Teacher and another member of College or the Principal meet with the student and parents to set out conditions for the student continuing at school. Records of the meeting will be kept in the student's file.
 - Any further aggressive or violent behaviour may result in an immediate one-week (5 days) suspension. (Repeat Steps for Procedural Fairness above)
 - **Conflict of Interest:** In cases where there is a conflict of interest at any step between the Class Teacher and any other parties involved in the process, assistance can be called on from the Principal, College Chair or the Chair of Board.

**The disciplinary procedures undertaken by ASHSS focus on acknowledgement of the breach of school rules and codes of conduct, followed by a process of considered restorative practices. Corporal punishment is expressly prohibited. The administering of corporal punishment by non-school persons, including parents, to enforce discipline at the school is not condoned. Where the use of corporal punishment is brought to the attention of the school and constitutes risk of significant harm to the child, notification will be made to the appropriate agencies under Child Protection legislation.*

Definitions

Suspension – the temporary withdrawal of the student from attending school to a maximum of 5 days (one week)

Expulsion – the permanent withdrawal of the student from enrolment at school.

Exclusion – the temporary withdrawal of the student from participating in normal activities while still attending school.

Related Policies, Procedure, Forms, Guidelines etc.

- ASHSS Child Protection Policy
- ASHSS Student Codes of Conduct
- ASHSS Enrolment Policy
- ASHSS Safe and Supportive Environment Policy

Related Acts and Regulations

- Education Act 2013
- Children and Young Persons (Care and Protection) Act 1998
- Crimes Act 1900
- Privacy and Personal Information Protection Act 1998
- Health Records And Information Privacy Act 2002
- Commission for Children and Young People Act 1998

Evaluation and Review

This policy will be reviewed annually.

Ratification

This policy was ratified by the SHASE Board on _____.

Signed: _____

Date: ____/____/____

Chairperson