

## PROCEDURE: Exclusion

### 1. PURPOSE

The purpose of this procedure is to describe Brisbane Catholic Education's (BCE) standards for excluding students from participating in a school, as a formal sanction under BCE's Student Behaviour Support policy and as used in the school School Behaviour Support Plan.

The procedure must be read in conjunction with: Student Behaviour Support policy; Student Diversity and Inclusion policy; Student Wellbeing policy; Physical Interventions procedure; Detention procedure; Suspension procedure; Negotiated Change of School procedure; and Catholic Education Archdiocese of Brisbane Code of Conduct.

### 2. RESPONSIBILITIES

#### 2.1 General requirements

The school's Student Behaviour Support Plan (SBS Plan) must detail the school's exclusion processes.

Because of the serious long-term consequences for the student and the family, exclusion will be considered only as a last resort.

Schools need to be aware of and consider the legal and equity issues applying to the exclusion of students with a disability, marginalised students, and students in out-of-home care, and consult with the appropriate employees, including the Lead Education Advisor - Inclusive Education and Student Wellbeing and/or BCE Legal Counsel.

The school must demonstrate that it has made efforts to identify and address the cause of the behaviour and documented range of intervention strategies that have been tried.

Families have a right to know of the processes involved in exclusion, as well as of their right to cancel the student's enrolment at the school. Where a family exercises the right to move the student to a new school prior to a decision being made in relation to the recommendation to exclude the student, the Principal (or delegate) must facilitate the transition to the new school, if there is a request to do so.

#### 2.2 Roles and Responsibilities

Role	Responsibilities
Principal	<ul style="list-style-type: none"> <li>• ensure the school's student exclusion processes are documented in the school's SBS Plan</li> <li>• ensure information on the school's approach to and use of exclusion for students is made available to students, parents and guardians e.g., parent portal</li> <li>• manage complaints about student exclusion under the Student, Parent, and Guardian Complaints Management policy and procedure.</li> </ul>
Employees	<ul style="list-style-type: none"> <li>• ensure use of student detention is consistent with the school's processes as detailed in the school's SBS Plan.</li> </ul>

### **3. PROCEDURE**

#### **3.1 When to use exclusion**

Exclusion is the full-time withdrawal of a student's right to attend a school and school related functions approved by Executive Director or delegate.

The purpose of exclusion is to:

- signal that the student's behaviour is not accepted in a school because it seriously interferes with the safety and wellbeing of other students and/or employees
- remove the student from an established environment in which unproductive 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.

Exclusion from one school does not prohibit the enrolment of the student in another BCE school, unless the Learning Services Executive has specifically prohibited the student from attending all BCE schools.

#### **3.2 Accountability requirements**

The Principal does not have delegated authority to exclude a student from a school. A decision to exclude from a school can only be made by the Learning Services Executive on recommendation from the Principal, through the Senior Leader – School Progress and Performance, and the Head of School Progress and Performance.

In extreme circumstances, a Principal may, in consultation with the Senior Leader – School Progress and Performance, make a submission to the Head of School Progress and Performance, recommending the exclusion of a student from a school. The Head of School Progress and Performance must forward this submission with their own recommendation to the Learning Services Executive for decision.

The Learning Services Executive may approve a recommendation for exclusion where there is evidence that the school has, over an extended period, consistently applied and reviewed appropriate individual support or intervention plans, and despite these efforts the student's behaviour has continued to be unproductive.

Additionally, if a student commits a serious illegal act or a serious breach of the School Behaviour Support Plan, the Principal may impose an immediate suspension and make a recommendation to the Learning Services Executive through the Senior Leader – School Progress and Performance and Head of School Progress and Performance for exclusion. In such a situation the suspension will continue until such time as a decision is made in respect of the recommendation to exclude.

In cases where recommending an exclusion from a school is being considered, the gravity of the circumstance requires that emphasis be given to all aspects of procedural fairness.

#### **3.3 Required processes**

The Principal must:

- consult with the Senior Leader - Progress and Performance

- brief the Parish Priest as needed. In a Parish School the Parish Priest should be briefed in relation to recommendations to exclude a student
- place the student on suspension for a maximum period of ten (10) school days pending the outcome of the decision-making process. This action is to be taken irrespective of any action by another agency, including the police
- notify the student and the family that the initial period of suspension will be for ten (10) school days, but that exclusion from the school is being recommended, giving reasons for the proposed action, and allowing seven (7) school days for the student, and family to respond
- provide the family, or student (if the student is living independently) with a copy of all the documentation on which the recommendation to exclude is based (while mindful of protecting the anonymity and privacy of possible complainants and/or witnesses). The Principal must remove the names or other identifying information of complainants or witnesses, while providing enough information to enable the student or family to respond to the proposal to exclude. This consideration will be unique in each case and guidance is to be sought from the Senior Leader - School Progress and Performance or BCE Legal Counsel
- request a meeting with the student's family member to outline the process and the reasons for the recommendation
- provide the family with information about the implications of exclusion, their right to appeal, and the appropriate procedures for submitting an appeal and their right to have a support person present
- consider any response from the student and their family before formulating a recommendation to exclude to the Learning Services Executive
- forward the recommendation to the Head of School Progress and Performance via the Senior Leader - School Progress and Performance, detailing the reasons, the action taken to moderate the students' behaviour (where appropriate), a copy of all required documentation and any response from the student and/or family.

The Senior Leader – School Progress and Performance must:

- consult with the Principal
- make themselves available for a meeting with the family, if required
- forward the recommendation to the Learning Services Executive.

The Head of School Progress and Performance must consider all the information provided and forward the recommendation for exclusion, together with their own recommendation and the provided documentation, to the Learning Services Executive for determination.

The Learning Services Executive:

- will consider the recommendation for exclusion and may consult with the Principal, Senior Leader – School Progress and Performance and Head of School Progress and Performance
- provides an opportunity for the student and the student's family to meet with the Learning Services Executive

- after consideration of all the information provided, makes the decision as to whether to exclude the student.

A decision for an exclusion will be made as soon as practicable following the submission reaching the Learning Services Executive. This process may, in extenuating circumstances, lengthen the suspension period beyond 10 days.

### 3.4 Engage Student Support System

Suspension, as part of an application for exclusion, must be recorded into the Engage Student Support System.

### 3.5 Appeals against an exclusion

An appeal against an exclusion must be submitted in writing to the Executive Director within fourteen (14) days of the decision being communicated to the student and/or the student’s family.

The Executive Director refers the appeal to the Learning Services Executive (or other delegate) to conduct the review.

As part of the review process, the Learning Services Executive gathers any additional information required to address the points raised in the appeal and if considered necessary, provides an opportunity for the family and/or student as well as the school to respond to or clarify any additional information provided in the appeal request.

Following the review of the decision to exclude, the Learning Services Executive provides the Executive Director with relevant documents, and a recommendation as to whether the exclusion should be confirmed, amended, or set aside.

The Executive Director or delegate will then decide to either confirm, amend or set aside the decision to exclude the student.

## 4. PERFORMANCE

Compliance monitoring roles and responsibilities are as follows:

<b>Role</b>	<b>Compliance responsibilities</b>
Head of School Progress and Performance	<ul style="list-style-type: none"> <li>• maintain BCE’s exclusion register</li> <li>• undertake periodic reviews to ensure compliance with this procedure and undertake remedial action to mitigate future non-compliance.</li> </ul>
Senior Manager – Inclusive Education and Student Wellbeing	<ul style="list-style-type: none"> <li>• record and report frequent and serious non-compliance with this procedure to the Head of Education for remedial action.</li> </ul>

## 5. REFERENCES

- Anti-Discrimination Act 1991 Qld
- Catholic Education Archdiocese of Brisbane Code of Conduct
- Disability Discrimination Act 1992
- Education (General Provisions) Act 2006 Qld
- Student Behaviour Support policy

- Student Wellbeing policy
- Student Diversity and Inclusion policy
- Student Protection Processes
- Detention procedure
- Suspension procedure
- Negotiated Change of School procedure
- Child and Youth Risk Management Strategy.