



## ***BEHAVIOUR, STUDENT (DET Overview) POLICY***

### **Policy & Guidance**

- Schools are expected to consider, explore and implement positive and non-punitive interventions to support student behaviour before considering disciplinary measures such as detention, withdrawal of privileges or withdrawal from class. Information about these consequences are set out in the Guidance tab.
- Schools are responsible for ensuring a local school wide Student Engagement Policy is in place and that appropriate mental health and wellbeing supports are available for students. Refer to [Student Engagement](#) for policy requirements and guidance.

### **Purpose**

- To ensure Footscray North Primary School creates a positive climate for learning and to support student behaviour.

### **Definitions**

**Behaviour** is the way in which one acts or conducts oneself, especially towards others.

**Behaviours of concern** are ones that can cause physical harm to the person or any other person.

**Challenging behaviour** (in a school context) is understood to mean behaviour that either interferes with the safety or learning of the student or other students, or interferes with the safety of school staff.

**Replacement behaviour** A replacement behaviour is one that is more acceptable to, more in line with the expectations of others, or causes less harm to self or others but still meets the needs of the person.

**Restraint** is the restriction of one's rights or freedom of movement and includes chemical restraint, mechanical restraint and seclusion.

**Seclusion** is the solitary confinement of a person in a room or area (for example, a garden) from which their exit is prevented by a barrier or another person. When used by a staff member in immediate response to behaviours of concern, seclusion may also include situations where a student is left alone in a room or area and reasonably believes they cannot leave that room or area even if they would physically be able to (it is not locked).

**A Behaviour Support Plan (BSP)** is a document that addresses inappropriate behaviour of a student, and outlines strategies to improve their behaviour.

### **Implementation**

- The school will develop an Engagement Policy that contains all the elements required by DET.
- School rules will be kept to a minimum and relate largely to children's safety.
- The school will determine the standards of behaviour required and the consequences which may include:
  - graded in-school disciplinary measures
  - withdrawal of privileges
  - withdrawal from class
  - detention
  - exclusion from school
  - suspension
  - expulsion
- Discipline measures should be proportionate to the nature of the behaviour and be part of a whole-school approach to behaviour management.

- The school will consider implementing the School-Wide Positive Behaviour Support (SWPBS) Framework.
- Before moving to a disciplinary response, the school will consider whether more effective and appropriate strategies can be put in place for the student, such as wellbeing, engagement and mental health supports.
- The school will refer to the Basic Principles of Administrative Decision Making before introducing sanctions. Please refer to the website below.

In summary, teachers must:

- Check that you have the authority to make a particular decision for the purposes of suspension and expulsion.
- Maintain accurate, comprehensive and accessible records
- Make decisions expeditiously
- Observe Natural Justice
- Reasonably exercise discretion
- Give meaningful and accurate reasons for decisions
- When determining consequences, **corporal punishment is expressly forbidden.**
- The school will consider a targeted Behaviour Support Plan for any student who:
  - has been diagnosed with severe behaviour disorders
  - has bullied others
  - has been bullied
  - requires additional assistance because they display difficult, challenging or disruptive behaviours
  - can benefit from additional wellbeing support
- A BSP may include:
  - known triggers of the behaviour (noise, touch, language used)
  - situations that make the behaviour more likely or cause the behaviour to occur (hunger, tiredness, pain)
  - strategies to reduce or remove triggers
  - strategies to address situations that may trigger the behaviour
  - strategies to teach the young person how to meet their needs without using the behaviour of concern
  - how the behaviour is reinforced
  - if the behaviour, or warning signs to the behaviour, occurs how people should respond without reinforcing the behaviour
  - when the plan will be reviewed
  - how the plan will be evaluated
- If the student has particularly challenging behaviour, it may be useful to conduct a [functional behavioural assessment](#) first.
- One person at the school will be responsible for making, monitoring and reviewing all BSPs.
- When working with parents/carers, the school will acknowledge that families come from a diverse range of backgrounds. These differences can leave them feeling alienated from the school and its operations.  
The willingness and ability of parents/carers to be involved can be impacted by how they are approached and engaged by the school.  
We will be mindful and respectful of diversity and implement engagement strategies that help everyone feel empowered to advocate for the student and be confident that their concerns will be heard.
- Physical restraint must only be used when it is immediately required to protect the safety of the child or any other person.
- In some limited circumstances, it may also be necessary to restrain a child from violent or dangerous behaviours by secluding them in an area where such action is immediately required to protect the safety of the child or any other person.
- Restraint and seclusion **must not** be included in a Behaviour Support Plan or be used as a routine behaviour management technique, to punish or discipline a child or to respond to:

- a child's refusal to comply with a direction, unless that refusal to comply creates an imminent risk to the safety of the child or another person
  - a child leaving the classroom/school without permission, unless that conduct causes an imminent risk to the safety of the child or another person
  - verbal threats of harm from a child, except where there is a reasonable belief that the threat will be immediately enacted
  - property destruction caused by the child unless that destruction is placing any person at immediate risk of harm.
- The use of mechanical restraints, restraints that cover a child's mouth or exclusion rooms **are expressly prohibited.**

#### Detention

The Principal will:

- consider local circumstances when determining what a reasonable time and place for detention entails
- ensure any special conditions relating to the imposition of detention are specified in the school's Student Engagement Policy.

The school will ensure that:

- no more than half the time allocated for any recess is used for detention
- students undertake detention at a reasonable time and place
- where students are detained after school to complete school work, or to undertake additional or new work or duties:
- parents are informed at least the day before the detention
- the time of detention should not exceed forty-five minutes
- alternative measures are negotiated with parents whose family circumstances are such that the students' completion of after-school work would create undue hardship (e.g. where students regularly supervise younger siblings in the absence of parents, or where limited travel alternatives for students are available).

#### Suspension

Only the Principal has authority to make the final decision to suspend a student. This authority cannot be delegated.

Every student deserves a safe and positive learning experience where they are engaged and supported to reach their full potential.

The Department's Student Engagement and Inclusion Guidance (the Guidance) helps the Principal to promote positive student behaviour and respond to challenging student behaviour. The Guidance also provides principals with supports and resources regarding disciplinary measures, see: [Manage student behaviour](#)

When considering the suspension of a student, the Principal must refer to the Student Engagement and Inclusion Guidance where grounds suspension considerations (including ground for suspension) and the suspension process are detailed. A range of templates, forms and support materials are also provided. For more information see:

[Student Inclusion and Engagement Guidance - Suspension considerations](#)

[Student Inclusion and Engagement Guidance - Suspension process](#)

#### Expulsion

On rare occasions, an individual student's behaviour may compromise the health, safety and wellbeing of other students and staff at the school. When a behavioural incident(s) is of such magnitude that an expulsion is considered, it is important that a transparent, fair and supportive process is in place, with appropriate checks and balances at each stage.

The [Expulsion Policy for Victorian Government Schools \(pdf - 1.06mb\)](#) reflects the requirements set out in Ministerial Order 1125, and comes into effect on the same date as the Order.

Only the Principal has authority to make the decision to expel a student. This authority cannot be delegated. The Principal must not expel a student who is aged 8 years or less without the Secretary's approval.

Detailed requirements exist for the expulsion process and it is important that the Principal refers to the full expulsion process for details.

The Principal may expel a student from the school if, whilst attending school, travelling to and from school or engaging in any school related activity away from school (including when travelling to or from that activity) the student:

- behaves in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person
- causes significant damage to or destruction of property
- commits or attempts to commit or is knowingly involved in the theft of property
- possesses, uses or sells or deliberately assists another person to possess, use or sell illicit substances or weapons
- fails to comply with any clear and reasonable instruction of a staff member so as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person
- consistently engages in behaviour that vilifies, defames, degrades or humiliates another person based on age; breastfeeding; gender; identity; impairment; industrial activity; lawful sexual activity; marital status; parent/carer status or status as a carer; physical features; political belief or activity; pregnancy; race; religious belief or activity; sex; sexual orientation; personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes
- consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student.

The student's behaviour must be of such a magnitude that having regard to the need of the student to receive an education, to maintain the health, safety and wellbeing of other students and staff at the school and to maintain the effectiveness of the school's educational programs, expulsion is considered the only available mechanism.

It is critical that interventions and supports have been implemented to address behaviours of concern prior to making an expulsion decision. An expulsion can be overturned if this has not happened, or is not thoroughly documented. Students may only be expelled after a thorough investigation of the incident/s has been conducted.

The local Area Team and Regional Office will work with the Principal to identify a new setting and implement a transition plan for the student.

The Principal must notify the Regional Director when an expulsion is being considered for:

- an Aboriginal or Torres Strait Islander student
- a student with a disability who is eligible to receive support under the Program for Students with Disabilities, or
- a student in out-of-home care.

Principals must notify the Department's International Education Division if the student is from overseas.

In keeping with principles of procedural fairness and natural justice, a decision to expel a student from a Victorian government school can be appealed by the student or their parent/carer. The Principal must provide the student and their parent/carer with copy of the Expulsion Appeal Form for their consideration.

An expulsion can be appealed on the following grounds:

- a student has a history of behavioural issues, and there is insufficient evidence of prior interventions designed to address the behaviour and support the student
  - the grounds on which the student was expelled are considered unfair
  - the expulsion process was not followed by the Principal
  - other extenuating circumstances
- Please refer also to the school's *Restraint & Seclusion Policy*, *Student Wellbeing & Engagement Policy*, the *Wellbeing & Learning Policy*, the *Bullying Prevention & Support Policy* and the Child Safe Standards.

### **Evaluation**

- This policy will be reviewed as part of the school's three-year review cycle or if guidelines change (latest DET update late June 2020).

A mandatory policy for VRQA purposes

#### References:

<https://www2.education.vic.gov.au/pal/behaviour-students>  
<https://www2.education.vic.gov.au/pal/suspensions>  
<https://www2.education.vic.gov.au/pal/expulsions>  
<https://www2.education.vic.gov.au/pal/student-engagement>