



DISCIPLINE, STUDENT (DET Overview) POLICY

Rationale

- We believe that all students should be engaged in a safe, caring and positive environment. All discipline at the school follows DET guidelines as well as the school's **Student Engagement Policy**.
- Ministerial Order 1125 took effect on 16 July 2018. The Order defines the grounds and process for suspensions, expulsions and appeals relating to expulsions of students in Victorian government schools. The Ministerial Order must be complied with in a manner which is consistent with the Charter of Human Rights and Responsibilities Act 2006.

Purpose

- To ensure Footscray North Primary School complies with DET policy and guidelines in regard to the student discipline.
- To manage inappropriate behaviours in a professional manner.
- To establish clear and appropriate consequences for student behaviour.
- To provide appropriate support for students at risk.
- To ensure the school complies with Child Safe Standards 1, 2 and 6.
- To ensure the school only detains students as part of a staged approach, in accordance with the Department's Student Engagement Policy Guidelines.
- To ensure the school complies with legislative requirements including following the required procedures for suspension and expulsion records.

Definitions

Corporal punishment is a form of physical *punishment* that involves the deliberate infliction of pain as retribution for an offence, or for the purpose of disciplining or reforming a wrongdoer, or to deter attitudes or behaviour deemed unacceptable.

Physical *restraint* means the use of physical force to prevent, restrict or subdue movement of a child's body or part of their body.

Seclusion is the involuntary confinement of a child alone in a room or area from which the child is physically prevented from leaving. This includes situations where a door is locked as well as where the door is blocked by other objects or held closed by staff. It does not include timeout, which is a behaviour management technique that is part of a Behaviour Support Plan, involves the monitored separation of the child in a non-locked setting, and is implemented for the purpose of calming.

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
- When determining consequences, **corporal punishment is expressly forbidden**.
- 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 *Responding to Violent & Dangerous Student Behaviour of Concern Policy*, *Student Engagement Policy*, the *Wellbeing & Learning Policy*, the *Bullying Prevention 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 mid-January 2019).

This policy was ratified by School Council 25/3/2019

References:

www.education.vic.gov.au/school/principals/spag/participation/pages/engagement.aspx
www.education.vic.gov.au/school/principals/spag/participation/Pages/suspensions.aspx
www.education.vic.gov.au/school/principals/spag/participation/Pages/supportgroups.aspx
www.education.vic.gov.au/school/principals/spag/participation/Pages/detention.aspx
www.education.vic.gov.au/school/principals/spag/participation/Pages/expulsions.aspx