



**Emmaus
Christian
School**

Student Behaviour Expectations Policy (Including suspensions and exclusions)

Student Welfare: SW4-5

Access Level – Public

Updated: September 2022 | Due for Review December 2024

Student Behaviour Expectation Policy (including suspensions and exclusions)

Prepared by	Executive
Date prepared	August 2022
Date approved by the Executive:	January 2023
Monitored by	Principal
Review by	Principal, Board, SRC
Date for review	December 2024
Status	Approved
Policy Pertains to:	Teaching Staff, Students & Parents
File Details:	Sharepoint/ Policies and Procedures/ Student Welfare

Version History

Version	Date	Notes
1.1	February 2016	Prepared Rachel McClure (Interim Principal 2015)
1.2	March 2016	Reviewed by Erik Hofsink (Principal), Christine Lucas-Gorny
1.3	November 2016	Wendy Morris, Assign policy number and cover sheets
1.4	March 2017	Updated: Flowchart, Suspensions, Exclusion by Erik Hofsink
1.5	July 2018	New template and logo W.Morris
1.6	Mar 2019	Updated from review, clarifying flowchart
1.6	November 2021	Reviewed by Heads of School, Exec
1.7	September 2022	Reviewed by Exec, SRC and Board in line with new Legislation



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Vision/Purpose

Emmaus exists to partner with parents, in providing a Christ-centred, Biblically-grounded and academically-rigorous education, which enables students to grow in wisdom and character, to the glory of God.

We strive to equip students with both the desire and the skills to make a difference in the lives of others. We aim to grow students who are rich in Godly wisdom and noble character, and find their security in the love of Christ.



The Policy

1. Expectations

Student responsibilities include regular school attendance, conscientious effort in classroom work, and conformance to school rules and regulations.

All students are expected to contribute to a positive classroom environment in which they and their classmates are able to learn effectively.

It is the responsibility of each student to respect the rights of all who are involved in the educational process.

Every student should:

- Be aware of the school's Behaviour Expectations Policy and the Student Code of Conduct (See Policy 1-7 Student Code of Conduct) and conduct themselves accordingly.
- Be willing to volunteer information and cooperate with school staff should he or she have information concerning behaviour inconsistent with the school's expectations.
- Assume that a rule is always in effect unless everyone has been notified that it has been changed.
- Assist school staff in running a safe school for all students.
- Give their best effort to fully participate in the learning opportunities provided by the school.

We expect all students to be punctual, respectful, attentive, kind, honest, appropriately dressed and polite to all members of the school community.

2. Consequences

It is not possible to provide an exhaustive list of school rules or breaches to school rules. The following behaviours are examples of unacceptable behaviour that will attract consequences, they are behaviours that are unsafe or noncompliant reducing the safety or effectiveness of the learning environment.

Consequences are not given lightly, and other factors may be considered. These factors include age, whether the misbehaviour was provoked and previous behaviour.

Our practice is consistent with the [Education Amendment Act 2022.PDF](#)

Level 1

- Interfere with the education of another student and the orderly operation of the school or a function
- Exhibit disruptive behaviour
- Speak in a way that teases, hurts, or harasses others
- Fail to follow all classroom rules
- Bring electronic equipment to school other than that specifically approved such as a phone, laptop computer or calculator etc.
- Disobey adult directions



- Be late to school, class or regular assignment without a written excuse
- Be absent from school without a signed note from parent/guardian
- Be out of correct school uniform
- Dress in a manner that jeopardises the health or safety of others
- Dress in a manner that interferes with the educational process or causes disorder
- Wear immodest or offensive clothing on non-uniform days
- Use inappropriate language
- Bring chewing gum to school
- Have in their possession any medication - prescription or non-prescription. (This should be left with the front office staff. Exceptions to this rule can only be made if there are circumstances that make it imperative that medication is immediately available.) Secondary Students are allowed to self-medicate provided written parental consent has been given to the school.

Consequence of Level 1 misbehaviour

One or more of the following:

- Collection from school by a parent
- Warning/reprimand by teacher
- Detention as directed by teacher
- Parent notification
- Parent conference
- Administrative warning or reprimand
- Behaviour contract
- An afternoon detention

Level 2

- Failure to follow the ICT use outlined in the Student Code of Conduct Policy
- Act in a disrespectful or defiant manner toward any school personnel
- Lie, cheat, forge or destroy the work of others
- Be absent from a class or school function without the permission of a staff member or written permission from a parent
- Physically fight with or harass another student
- Commit minor theft of school property or personal property (restitution included with any consequence)
- Cause minor vandalism to school property or personal property (restitution included with any consequence)
- Bring to school, carry or handle dangerous objects
- Act in a way that endangers the safety of themselves or others
- Use profanity, abusive language, racial, ethnic, religious or sexually derogatory terms or obscene gestures
- Use school facilities or property without permission



- Misbehave (Level 1) while attending a class trip; other field trip or school excursion
- Misbehave (Level 1) while being supervised by a relief teacher
- Continual Level 1 behaviour
- Miss a scheduled school detention
- Enter into buildings and/or areas which are out of bounds without the permission of a staff member

Consequence of Level 2 Misbehaviour (or continued level 1 misbehaviour)

Parent notification to all parties involved and one or more of the following actions will be taken for misbehaviour of Level 2:

- Collection from school by a parent
- 2 or more afternoon detentions
- 1-3 day suspension either internal or external
- Behaviour contract
- Referral to law enforcement authorities where appropriate
- Referral to outside agencies for support where appropriate

Level 3

- Threaten or strike a staff member
- Endanger the safety of others with a bomb threat; make threatening or illegal telephone calls; or make unauthorised use of fire alarm equipment
- Cause significant vandalism to school or personal property
- Possess or use tobacco products on school grounds; whilst in school uniform; or at school functions
- Possess or use controlled or illegal substances such as alcohol or other drugs whilst in school uniform; on school grounds or at school functions
- Possess or use any weapon or illegal personal item on school grounds or at school functions
- Exhibit lewd indecent exposure or commit an indecent or sexual act
- Commit major theft of school or personal property (Restitution shall be included with any consequence)
- Commit aggravated assault; which causes injury to another person
- Break into any school building or vehicle
- Break ACT or Commonwealth Government laws
- Continual Level 2 behaviour
- Encourage others toward Level 3 behaviour or mislead staff regarding Level 3 behaviour



Consequence of Level 3 Misbehaviour (or continued level 2 misbehaviour)

Parent notification to all parties involved and one or more of the following actions will be taken for misbehaviour of Level 3:

- Up to a 10 day suspension
- Loss of privileges
- Behaviour contract
- Termination of Enrolment (Exclusion or Expulsion)
- Referral to law enforcement authorities
- Referral to outside agencies for support

Suspensions

Meaning of *unsafe or noncompliant* behaviour—ch 2A

- (1) For this chapter, the behaviour of a student at a school is ***unsafe or noncompliant*** if the behaviour reduces the safety or effectiveness of the learning environment at the school because it—
 - (a) is persistently or disruptively noncompliant; or
 - (b) poses an unacceptable risk to the safety or wellbeing of—
 - (i) another student at the school; or
 - (ii) a member of staff of the school; or
 - (iii) someone else involved in the school's operation.
- (2) To remove any doubt, a student's behaviour may be ***unsafe or noncompliant*** even if the behaviour does not happen on school premises or during school hours.

Example

using social media outside school hours to encourage violence against a student at school the next day



Changes to suspensions for all schools (public and non-government) from 20 December 2022

What are the changes?

Changes have been made to the [Education Act 2004](#) to clarify when a student can be suspended from a school.

Why have these changes been made?

Since 2018, the ACT Government has been undertaking a phased approach to amending the *Education Act 2004* (the Act). The amendments presented through the *Education Amendment Act 2022* is the third phase in a larger program of legislative reform.

The current Act is confusing, with suspensions, transfers and expulsions all in the same section. The Education Directorate has undertaken a review of these sections of the Act and updated them.

The changes to the section on suspensions now provide clear guidelines as to when a student can be suspended. The changes ensure a balance between the right of the student to an education, alongside the safety and wellbeing of that student, other students and school staff.

Several reports have also highlighted that students with disability, across Australia, are suspended more often than students without disability. Therefore, amendments have been made to provide protections for students with disability by ensuring reasonable adjustments are being implemented, and where necessary adapted, to ensure they can be safely at school.

Who do they impact?

The changes apply to both public and non-government schools in the ACT.

When do they come into effect?

The changes come into effect on 20 December 2022.

Under the changes, when can a student be suspended?

From 20 December 2022, a student can only be suspended for the purpose of ensuring a safe and effective learning environment at the school (section 17B).

This means a student at a school can only be suspended if their behaviour is unsafe or non-compliant in a way that reduces the safety or effectiveness of the learning environment at the school because it is:

- persistently or disruptively noncompliant; or
- poses an unacceptable risk to the safety or wellbeing of other students, staff or other people at the school.



What steps must be taken prior to a student being suspended?

A student can only be suspended if the decision-maker is satisfied that the student's behaviour has been:

- unsafe or noncompliant,
- the school has exhausted all reasonable alternatives to suspending the student, and
- it is considered reasonable to suspend the student after hearing the student's views and the views of their parents/carers (section 17H).

What does 'exhaust all reasonable alternatives' mean?

If a suspension is proposed for a student, the decision-maker must be satisfied that no other alternative is likely to be suitable or successful for managing the student's unsafe or noncompliant behaviour. This means that all other alternatives that a school is able to make must have been considered before making the decision to suspend a student (section 17D).

Who is the decision-maker?

The decision-maker for suspensions is usually the principal of a school.

Under section 17O, the decision-maker for a public school or Catholic system school may delegate the decision-maker's powers. A delegation is where the decision maker gives permission to someone else to use the decision-making powers for suspensions.

For public and Catholic system schools, the decision maker's powers can be delegated to the principal of a school. Independent schools are not part of a system, therefore the decision-maker is automatically the principal.

Does suspension only apply if the unsafe or noncompliant behaviour happens during school hours or on school grounds?

No, a student can be suspended if it happens outside of school hours or not on school grounds, but only if their behaviour:

- reduces the safety or effectiveness of the learning environment at the school; or
- poses an unacceptable risk to the safety or wellbeing of other students, staff or other people at the school.

An example of this would be using social media outside school hours to encourage violence against a student at school the next day. This behaviour has an impact on the safety of the victim's learning environment whilst at school. Another example might be violent behaviour occurring offsite while the student is on an excursion which is an extension of the learning environment (section 17B (2)).

How long can a student be suspended for?

A suspension can be for a duration that the decision-maker considers necessary to ensure a safe and effective learning environment at the school. However, a single instance of suspension cannot be longer than 20 days.



When does a suspension start and end?

A suspension begins on the day the decision-maker gives a suspension notice to the student's parents/carers or the day stated in the suspension notice, whichever is later. A suspension ends on the end day stated in the suspension notice or 20 school days after the suspension begins (section 17J).

Can a student be suspended again immediately after they have finished a period of suspension?

No, a suspension must not start immediately after another suspension ends. Students must be supported to return to school at the conclusion of a suspension period (section 17J (3)).

A new period of suspension can only occur if the student engages in further unsafe behaviours and the same decision-making process must be followed for any future suspensions.

How can the student and their parents/carers be involved in the decision-making process?

In most instances, students and parents/carers must receive a written notice that includes information about how they can have their views considered as part of the decision-making process **prior** to a suspension being decided (section 17L).

This information must be given in a language and way that they can understand and must include:

- the grounds for the proposed suspension;
- the length of the proposed suspension;
- how the school will support the student during the proposed suspension;
- details of the decision-making process; and
- how the student and parents/carers can have their views heard.

Students must also be allowed to have a parent, carer or someone else chosen by the student, for example a teacher, with them when taking part in the decision-making process.

The only instance in which a suspension can be decided **without** first providing a written notice and considering the views of the student and parents/carers is if the student's unsafe or noncompliant behaviour presents an immediate or imminent risk of harm to a person, such as being or threatening to be physically violent to another student or staff member (section 17L (3)).

In these limited circumstances, a verbal notice may be given initially, and a written notice may be given **after** the suspension is enacted. In these circumstances the views of the student and parents/carers must still be considered **after** the decision has been taken, which may result in the Principal revising the suspension decision.

This is to balance the need to respond quickly to an immediate or imminent risk of harm to a person, while also ensuring a fair process for students.

Are there any occasions where the student's parents/carers don't need to be notified in writing?



Written notice of a suspension doesn't have to be given to the parents/carers if it is not in the best interests of the student, for example, if a court order prevents contact between a student and their parent or if it is not possible in the circumstances to give them notice.

Written notice is also not required to be given to parents/carers if the student is an adult (over 18 years of age). In this case, the notice needs to be given to the student (section 17F).


What happens once the suspension has happened?

All students who have been suspended must be given materials and support to continue their education for the period in which they are suspended. For example, this may include access to online learning resources.

For students who have reasonable adjustments in place, the principal must review those reasonable adjustments, including the way they have been implemented. The Principal must also make any other reasonable adjustments they think would support the student. If needed, this includes changing the way an existing adjustment is being implemented (section 17N).

If a student at a school is suspended for 7 or more school days in a school term (consecutively or otherwise), the principal of the school must ensure that the student is given a reasonable opportunity to attend counselling. Students are not required to participate in counselling if they choose not to (section 17M).

Can you appeal the decision?

Suspension from a public school is a reviewable decision. This means the decision can be reviewed internally by the Education Directorate, and is also reviewable by the [ACT Civil and Administrative Tribunal](#) .

Does suspension extend to students attending Out of School Hours Care?

The *Education Act 2004* (the Act) outlines when a student can be suspended from school, which does not include outside of school hours activities, such as OSHC, that may also be held at a school site. In this case, it would be a decision for the OSHC provider as to whether or not the student is able to attend.

How was the wording in the Bill decided?

The changes have been developed following extensive research, particularly into other states' and territories' approaches to suspensions, and in consultation with both government and non-government stakeholders.

Wording in the Bill also follows legislation drafting conventions that require certain ways of expressing key concepts. For this reason, further explanation is provided in the explanatory statement, and will also be outlined in updated implementation policies prior to commencement.



Expulsions

Non-government school expulsions from 20 December 2022

What are the changes?

Changes have been made to the [Education Act 2004](#) to clarify when a student can be expelled from a non-government school (Catholic system school or independent school).

Why have these changes been made?

Since 2018, the ACT Government has been undertaking a phased approach to amending the *Education Act 2004* (the Act). The amendments presented through the *Education Amendment Act 2022* is the third phase in a larger program of legislative reform.

The current Act is confusing, with suspensions, transfers and expulsions all in the same section. The Education Directorate has undertaken a review of these sections of the Act and updated them.

The changes ensure a balance between the right of the student to an education alongside the safety and wellbeing of the student, other students and school staff.

Who do they impact?

The changes apply to Catholic system schools and independent schools in the ACT.

When do they come into effect?

The changes come into effect on 20 December 2022.

Why has the category of 'expulsion' been created?

In the current Act, the term 'exclusion' has two meanings.

For public and Catholic system schools, exclusion currently means preventing the student from continuing to be enrolled or being re-enrolled at any public school or at any Catholic system school.

For independent schools, exclusions mean preventing the student from continuing to be enrolled or being re-enrolled at an individual independent school. This inconsistency causes confusion across the different sectors.

To clarify these inconsistencies, a new category of 'expulsion' has been created to refer to the expulsion of a student from a particular Catholic system or independent school and being prevented from being re-enrolled in that school.

This category differs from 'exclusion' which refers to a student who is excluded from all public schools in the ACT if they are not of compulsory education age, or all Catholic system schools.

Who is the decision-maker?

For Catholic system schools, the decision-maker is the Director, Catholic Education. For independent schools, the decision-maker is the Principal of that school.



Under the changes, why can a student be expelled?

From 20 December 2022, a student can only be expelled if:

- their behaviour is unsafe or non-compliant in a way that reduces the safety or effectiveness of the learning environment at the school;
- all reasonable alternatives to expelling the student have been exhausted;
- it is not in the best interests of the student, another student, or a staff member for the student to remain at the school; and
- it is reasonable to expel the student considering all the circumstances, including any views of the student and their parents/carers about the proposed transfer.

If the expulsion is recommended because it is not in the best interests of the student to remain at the school, the Director, Catholic Education or the Principal of the independent school may consider whether the relationship between the student and the school has deteriorated to such an extent that remaining at the school is no longer in the student's best interests (section 17U).

What does 'exhaust all reasonable alternatives' mean?

If expulsion is proposed for a student, the decision-maker must be satisfied that no other alternative is likely to be suitable or successful for managing the student's unsafe or noncompliant behaviour.

This means that all other alternatives that a school is able to make must have been considered before making the decision to expel a student (section 17D).

What steps must be taken prior to a student being expelled?

Catholic system schools

The Principal of a Catholic system school may recommend to the Director, Catholic Education that a student is expelled (section 17W).

However before recommending that a student is expelled, a principal of a Catholic system school must tell the student, and give their parents/carers written notice, about the proposed expulsion.

Information that must be provided includes:

- the grounds for the proposed expulsion including details of-
 - the student's unsafe or noncompliant behaviour; and
 - how they have exhausted reasonable alternatives to expelling the student;
- the day the proposed expulsion is to take effect;
- the decision-making process for the proposed expulsion; and
- how the student and their parents/carers may take part in the process and have their views heard.

Once the principal of a Catholic system schools has involved the student and their parents/carers, they can make a recommendation to the Director, Catholic Education. The recommendation must include the following about the proposed expulsion:

- the grounds for the proposed expulsion including details of-



- the student's unsafe or noncompliant behaviour; and
- how they have exhausted reasonable alternatives to expelling the student;
- the day the proposed expulsion is to take effect;
- the decision-making process for the proposed expulsion;
- the steps taken to involve the parents/carers and the student in the decision-making process; and
- any views of the student and their parents/carers about the expulsion.

The principal's recommendation may also include any other information the principal considers would assist the Director, Catholic Education in deciding whether to expel the student.

If the Director, Catholic Education decides to expel a student, they must tell the student and give their parents/carers written notice about the expulsion, including:

- the grounds for the expulsion; and
- the day the expulsion takes effect.

Independent schools

The Principal of an independent school may expel a student from their school. However, before they can expel the student, they must tell the student, and give their parents/carers written notice, about the proposed expulsion (section 17X).

Information that must be provided includes:

- the grounds for the proposed expulsion including details of-
 - the student's unsafe or noncompliant behaviour; and
 - how they have exhausted reasonable alternatives to expelling the student;
- the day the proposed expulsion is to take effect;
- the decision-making process for the proposed expulsion; and
- how the student and their parents/carers may take part in the process and have their views heard.

If the principal of the independent school decides to expel a student, they must tell the student and give their parents/carers written notice about the expulsion, including:

- the grounds for the expulsion; and
- the day the expulsion takes effect.

How can the student and their parents/carers be involved in the decision-making process?

Students and parents/carers must have their views heard as part of the decision-making process prior to an expulsion being enacted.

Students and parents/carers must be given enough information about how the decision-making process works, including how they can have their views heard, in a language and way that they can understand (section 17E).



What happens once the expulsion has happened?

If a student is expelled from a Catholic system school or an independent school, the Principal of the school must ensure the student is given a reasonable opportunity to attend counselling. Students are not required to participate in counselling if they choose not to (section 17Y).

How was the wording in the Bill decided?

The changes have been developed following extensive research, particularly into other states' and territories' approaches to expulsions, and in consultation with non-government stakeholders.

Wording in the Bill also follows legislation drafting conventions that require certain ways of expressing key concepts. For this reason, further explanation is provided in the explanatory statement, and will also be outlined in updated implementation policies prior to commencement.

Policy Flowchart

For the Behaviour Management Flowchart, see Appendix A

Related Emmaus Christian School Policies

Reference

- Code of Conduct - Student
- Bullying Policy
- Teaching and Learning Policy



Appendix A: Student Behaviour Flow Chart

Stage 0 - Students operate within the norms of acceptable behaviour and working habits

